

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**SOMSAK SAYTHONGPHEP II**  
Claimant

**APPEAL NO. 08A-UI-09128-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FOODS**  
Employer

**OC: 08/17/08 R: 01  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated October 7, 2008, reference 01, that concluded he voluntarily quit employment without good cause. A telephone hearing was held on October 23, 2008. The claimant participated in the hearing. No one participated on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer as a production worker from April 29, 2008 to August 15, 2008. He voluntarily left employment on August 15, 2008 to accept a job offer with MPC Corporation. He was scheduled to report for his orientation on August 18, 2008, but was informed that he was not to report for orientation because MPC was laying off employees. The claimant went back to the employer to get his job back but his position was filled.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

871 IAC 24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

The claimant left work to accept other employment but was separated by MPC before he had the chance to start employment. The claimant is qualified to receive unemployment insurance benefits based on his separation from employment with the employer, provided he is otherwise eligible. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

**DECISION:**

The unemployment insurance decision dated October 7, 2008, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/kjw