

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MICHAEL A DORENKAMP
Claimant

AFM LLC
Employer

APPEAL NO. 20A-UI-03270-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Federal Law PL 116-136 Sec. 2104 – Recovery of Overpayment of Federal Benefit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 14, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 12, 2020. Claimant participated. Employer participated by Bryan Dullard.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 9, 2020. Claimant was working part time at multiple jobs at the time of his quit. Claimant was offered full time work with Perkins. This offer of full time work at one location prompted claimant to quit his job at IHOP.

Claimant has received state and federal benefits in this matter.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

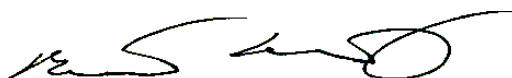
a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

In this matter claimant quit the part time job with employer to take a full time position. As this is the case, claimant is qualified to receive benefits and employer's account will not be charged.

As claimant is entitled to benefits, he has not been overpaid state or federal benefits.

DECISION:

The decision of the representative dated April 14, 2020, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible. Employer's account will not be charged for benefits received by claimant.



Blair A. Bennett
Administrative Law Judge

May 14, 2020
Decision Dated and Mailed

bab/scn