

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KYLE L HOLMGREN**  
Claimant

**APPEAL NO. 11A-UI-08906-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CPI TELECOMMUNICATIONS INC**  
Employer

**OC: 01/02/11**  
**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 29, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 28, 2011. Claimant participated. Employer participated by Leta Burke and Deena Hamilton. Claimant's Exhibit 1 was admitted into evidence.

**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 was employed with the employer from January 17, 2011 through May 18, 2011. He quit to accept an offer of employment with Black Box Network Services. The offer was subsequently rescinded.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1-a provides:

An individual shall be disqualified for benefits:

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.

Claimant's quit satisfies the requirements of Iowa Code section 96.5-1-a so no disqualification is imposed. The employer's account shall not be charged pursuant to Iowa Code section 96.5-1-a.

**DECISION:**

The June 29, 2011, reference 01, decision is modified favorably to the claimant. Benefits are allowed, provided claimant is otherwise eligible. The employer's account shall not be charged pursuant to Iowa Code section 96.5-1-a.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

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