

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHILLIP J TITUS

Claimant

APPEAL NO: 10A-UI-01487-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

3 J'S ENTERPRISES INC

Employer

OC: 01/03/10

Claimant: Respondent (4/R)

Section 96.5-1-a - Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

The employer appealed a representative's January 25, 2010 decision (reference 01) that concluded the claimant was qualified to receive benefits and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A telephone hearing was held on March 9, 2010. The claimant participated in the hearing. Jenna Wilson, the president, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in 2007. The claimant worked as a full-time supervisor. During his employment, the claimant performed work for both the employer and K & L Landscape and Construction. Wilson's father runs or owns K & L Landscape and Construction.

The claimant did not work for the employer after September 25, 2009. After September 25, he worked for K & L Landscape and Construction. From October through the end of December the claimant worked for K & L Landscape and Construction.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. If a claimant quits working for another employer and performs services for a new employer, the claimant is not disqualified from receiving benefits based on the employment separation from the first employer, and the employer's account will not be charged. Iowa Code section 96.5-1-a. Based on the facts presented during the hearing, the claimant stopped working for the employer

in late September and then worked for K & L Landscape and Construction. Based on this employment separation, the claimant is not disqualified from receiving benefits and the employer's account will not be charged.

Since the employer is not the claimant's most recent employer, the reasons for the claimant's employment separation from K & L Landscape and Construction is remanded to the Claims Section to investigate and determine. As of the date of the hearing, wages did not show up for the claimant during the fourth quarter of 2009 from K & L Landscape and Construction. The Claims Section should verify that K & L Landscape and Construction has reported the wages the claimant earned during the fourth quarter of 2009.

DECISION:

The representative's January 25, 2010 decision (reference 01) is modified in the employer's favor. The claimant remains qualified to receive benefits on the reasons for his employment separation with this employer. The employer's account will not be charged. The issue regarding the reasons for the claimant's employment from K & L Landscape and Construction is remanded to the Claim Section to investigate and determine. The Claims Section is also directed to make sure K & L Landscape and Construction has reported the wages the claimant earned during the fourth quarter of 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css