

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ADIS SMAJLOVIC**  
Claimant

**US POSTAL SERVICE**  
Employer

**APPEAL 21A-UI-22969-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/21/21  
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 12, 2021, (reference 05) unemployment insurance decision that held claimant ineligible for unemployment insurance benefits due to his voluntary quitting. The parties were properly notified about the hearing. A telephone hearing was held on December 8, 2021. Claimant, Adis Smajlovic, participated personally. Employer, U.S. Postal Service, did not participate. Claimant's Exhibits 1, 2 and 3 were offered and received.

**ISSUES:**

Was the claimant discharged for disqualifying job-related misconduct?  
Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a rural mail carrier from August 28, 2020 and was separated from employment on January 4, 2021, when he voluntarily quit. Marcus Schultz was claimant's immediate supervisor. Claimant left on good terms with the US Postal Service. He was designated by the US Postal Service as re-hirable at the time of his resignation.

Prior to quitting his employment with the US Postal Service, the claimant had been offered and had accepted a full time position with Uber Eats and Door Dash. He was scheduled to start working immediately after his resignation from the U.S. Postal Service. Claimant worked full-time for Uber Eats and Door Dash until March 2021 when his hours were reduced and he separated from Uber Eats and Door Dash.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge finds that the claimant voluntarily left the employment to accept employment elsewhere.

Iowa Code §96.5(1) 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.

Iowa Admin. Code r. 871-24.28(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.

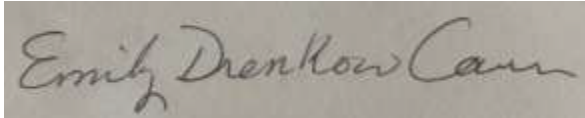
Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. 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. No charge shall accrue to the account of the former voluntarily quit employer.

Even though the separation was without good cause attributable to the employer, and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave the employment in order to accept other employment but was separated after having started the new employment. As such, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The October 12, 2021, (reference 05) unemployment insurance decision is reversed. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

A handwritten signature in cursive script, reading "Emily Drenkow Carr", on a light-colored background.

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Emily Drenkow Carr  
Administrative Law Judge  
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January 11, 2022  
Decision Dated and Mailed

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