

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FLOYD E WOODYARD
Claimant

APPEAL NO. 09A-UI-19147-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ASSOCIATED MILK PRODUCERS INC
Employer

**Original Claim: 08/16/09
Claimant: Respondent (4)**

Section 96.5-1-a – Voluntary Quit/Other or Better Employment

STATEMENT OF THE CASE:

The employer appealed a department decision dated December 15, 2009, reference 01, that held the claimant voluntarily quit part-time employment on November 5, 2009, and that he is eligible for benefits based on base period employment. A telephone hearing was held on January 29, 2010. The claimant participated. Ann Carpenter, HR/Office Manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant was hired to work as a full-time packing operator by the employer, and he was paid for eight hours of safety training on November 5. Prior to starting his work shift on November 6, the claimant was offered a job at Tyson's that he accepted, and has continued to work through the date of this hearing.

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.

The administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer due to leaving for other/better employment effective November 6, 2009. The employer's account is not charged, as the wage credits he earned are charged to the unemployment compensation fund.

The claimant was paid for eight hours of safety training, which is considered work for the employer, and his decision to accept another job prior to his scheduled work shift is a leaving for other employment. The decision is also favorable to the employer since their account is not charged.

DECISION:

The department decision dated December 15, 2009, reference 01, is modified. The claimant voluntarily quit with good cause attributable to the employer on November 6, 2009, for other/better employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer is not liable for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw