

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTOPHER L WILLIS
Claimant

ADVANCE SERVICES INC
Employer

APPEAL 18A-UI-12174-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/04/18
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 14, 2018 (reference 01) unemployment insurance decision that held claimant ineligible for unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 8, 2019. Claimant, Christopher L. Willis, participated personally. Wayne Feldhacker participated on behalf of the claimant. Employer, Advance Services Inc., participated through witness Melissa Lewien. Employer's Exhibits 1 and 2 were admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

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 as a temporary employee. This employer is a temporary employment firm. Claimant was placed at Cardinal Glass as a full-time production worker from September 13, 2016 until September 21, 2018.

On September 21, 2018, he was notified by Ashley at the employer that his assignment with Cardinal Glass was ending and claimant asked her if the employer had any other work available for him. She telephoned claimant back and advised that he had an interview with Dalton Ag the following week. The next day, on September 22, 2018, claimant was offered and accepted full-time employment with Feldhacker Contracting LLC ("Feldhacker") and was hired as a truck driver. Claimant began working as a full-time employee at Feldhacker on Monday, September 24, 2018. In November of 2018, claimant was temporarily laid off from his full-time truck driver position at Feldhacker.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge finds as follows:

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 claimant's job assignment ended at Cardinal Glass, he was still employed with this employer until he voluntarily quit in order to accept other employment with Feldhacker. As such, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The December 14, 2018 (reference 01) unemployment insurance decision is modified in favor of the appellant. 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 (account number 279311) shall not be charged.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs