

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM M CASEY
Claimant

APPEAL NO: 11A-UI-14590-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TITAN TIRE CORPORATION
Employer

**OC: 09/18/11
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated November 4, 2011, reference 01, that held he voluntarily quit employment without good cause attributable to the employer on May 12, 2011, and benefits are denied. A telephone hearing was held on December 6, 2011. The claimant participated. The employer did not participate.

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 claimant, and having considered the evidence in the record, finds: The claimant worked about 17 years for Smoldt Moving & Storage (er#317932) when he accepted a full-time tire building job for the employer on February 4, 2011. He agreed to work the night shift. On May 12 he told his supervisor he was quitting because he didn't like working nights and he understood it would be some time until he would be eligible to work days.

He decided to return to his old employer, Smoldt, and he began a moving job on May 13. He continues to work for the employer thru the date of this hearing. He filed an unemployment claim with the blessing of his employer due to seasonal work slow-down.

The employer failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 due to leaving for other employment effective May 12, 2011.

The claimant's return to work for his old employer is a leaving for other employment. The claimant is eligible for benefits, and no employer's account is charged. Claimant is eligible for benefits in any week where he earns less than his WBA plus \$15.

DECISION:

The department decision dated November 4, 2011, reference 01, is modified. The claimant voluntarily quit with good cause for other employment on May 12, 2011. Benefits are allowed, provided the claimant is otherwise eligible. No employer's account is liable for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs