

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

KORY A KUCHEL
211 E NORTH ST APT #4
MANLY IA 50456

SECURITAS SECURITY SERVICES USA
c/o SHEAKLEY UNISERVICE INC
PO BOX 429503
CINCINNATI OH 45242

Appeal Number: 04A-UI-10689-DWT
OC: 08/29/04 R: 02
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Kory A. Kuchel (claimant) appealed a representative's September 29, 2004 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Securitas Security Services, USA (employer) would not be charged because the claimant had voluntarily quit his employment without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 25, 2004. The claimant participated in the hearing. Terry Clayton, a representative with Sheakley Uniservice, Inc., appeared on the employer's behalf with Shelsie Greenfield, the human resource manager, as a witness 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 unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on June 19, 2003. The employer hired the claimant to work as a full-time security guard. When the claimant applied, he reported on his employment application he had not been charged or convicted of a misdemeanor, felony or an assault and battery charge. On the claimant's first day of work, he learned he had to be approved for a guard license and completed more paperwork so the State of Iowa could run a background check on him. The employer gave the claimant a temporary security guard ID for his job. When the claimant completed the state application, he did not report any assault or battery charges.

July 15, 2003, was the claimant's last day of work for the employer. He told the employer he was leaving because he had another job. The claimant started working at Wal-Mart sometime after August 8, 2003. The claimant started working part-time at Wal-mart, but believed it would develop into a full-time job.

On August 8, 2003, the State of Iowa sent the claimant a letter indicating his security guard ID was revoked because of a prior charge that showed up on his background check.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a.

Although the claimant asserted he did not quit his employment, the employer's records indicate the claimant informed the employer on July 15, 2003, he was quitting because he had another job. The claimant acknowledged he only received one letter dated August 8, which informed him that his security guard ID was revoked. The claimant also admitted he did not start working at Wal-Mart until sometime after August 8, 2003. Since the claimant has not worked for the employer for over year, the employer's business records are more credible than the claimant's memory. Therefore, a preponderance of the evidence indicates the claimant quit his employment on July 15, 2003.

The claimant worked at Wal-Mart and believed it would develop into a full-time job. Even though the claimant did not start working at Wal-Mart until some time after August 8, 2003, he still quit for other employment. When a claimant quits for other employment, he is not disqualified from receiving unemployment insurance benefits, and the employer's account will not be charged. Iowa Code §96.5-1-a. Therefore, as of August 29, 2004, the claimant is qualified to receive unemployment insurance benefits based on the reasons for this employment separation.

DECISION:

The representative's September 29, 2004 decision (reference 03) is reversed. The claimant voluntarily quit his employment for other employment. Therefore, as of August 29, 2004, the claimant is qualified to receive unemployment insurance benefits based on the reasons for this employment separation. The employer's account will not be charged.

dlw/kjf