

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RAAGHIB K SATTAAR EL**  
Claimant

**APPEAL NO. 09A-UI-18346-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**OC: 10/04/09**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated December 4, 2009, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 19, 2010. Claimant participated. Employer participated by Sandy Matt, human resources specialist. The record consists of the testimony of the Sandy Matt and the testimony of Raaghib K. Sattaar El.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer in this case, CRST Van Expedited Inc., is a division of CRST International. The claimant was hired by CRST Van Expedited Inc. on April 30, 2008. He is an over-the-road trucker. The claimant heard there was an opening in another division of CRST International. That division was CRST Flatbed Regional Inc. The claimant left his position in CRST Van Expedited Inc. and transferred to CRST Flatbed Regional Inc. in September 2008. The claimant was not employed by CRST Van Expedited on October 3, 2009. He was terminated from his position with CRST Flatbed Regional Inc on October 3, 2009. That separation issue was adjudicated in 09A-UI-18345-VST. The claimant was found to be eligible for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits.

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.

871 IAC 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 agency treats CRST Van Expedited and CRST Flatbed Regional as two separate employers even though they are divisions of CRST International. The claimant voluntarily left his position with CRST Van Expedited to accept a position with CRST Flatbed Regional. In effect, the claimant voluntarily left one employer to accept employment with another employer. The evidence established that the claimant did work for CRST Flatbed Regional before he was terminated on October 3, 2009. When an employee quits work to take other employment, he is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. He voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

**DECISION:**

The representative's December 4, 2009 decision (reference 02) is reversed. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because he quit to take other employment. The employer will not be charged

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs