

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE M JONES
Claimant

APPEAL NO. 11A-UI-07991-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBS FIELD SERVICES
Employer

OC: 05/15/11
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Jesse Jones, filed an appeal from a decision dated June 7, 2011, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on July 13, 2011. The claimant participated on his own behalf. The employer, Jacobs Field Services, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Jesse Jones was employed by Jacobs Field Services from April 2009 until April 22, 2011 as a full-time pipe fitter. On April 8, 2011, he gave a two-week notice to Supervisor Glen Guillory and his last day of work was April 22, 2011.

The claimant quit because he had been offered, and accepted, a job with A-Lert Construction. Both Jacobs Field Services and A-Lert Construction are sub-contractors at ADM and ADM's policy does not allow an employee of one sub contractor to go to work for another sub-contractor without at least 30 days between the end of one employment and the beginning of the new one. The claimant was aware of this requirement when he gave his resignation.

Mr. Jones also cited as a reason for his quit an inappropriate personal relationship between the site superintendent and another employee. The claimant did not report this to higher management at the time he quit, although others had. He acknowledged that upper management discharged the site superintendent for misconduct when it learned of the problem.

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 claimant quit in order to accept new employment. He was aware of the requirement he must wait 30 days before he could go to work with the new employer. He filed his claim for unemployment benefits during this interim and had not requalified under the provisions of the above Code section. He is disqualified.

DECISION:

The representative's decision of June 7, 2011, reference 01, is affirmed. Jesse Jones is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs