

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRUCE A TINDALL
Claimant

APPEAL NO. 08A-UI-01869-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WILD ROSE CASINO & RESORT
Employer

**OC: 03/11/08 R: 01
Claimant: Appellant (4/R)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Bruce Tindall (claimant) appealed a representative's February 21, 2008 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Wild Rose Casino & Resort (employer). The claimant participated personally. The employer did not provide a telephone number where it could be reached and, therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired for a second period of employment on May 10, 2007, as a full-time table games dealer. The claimant quit work on July 27, 2007, to take another job at Guse Family Farms beginning July 30, 2007. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after his separation from work.

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.

The claimant left his position with the employer to work for another employer. 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.

The matter of the determination of wages from Guse Family Farms is remanded for determination.

DECISION:

The representative's February 21, 2008 decision (reference 02) is modified in favor of the employer. 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. The matter of the determination of wages from Guse Family Farms is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css