

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD R OCONNOR
Claimant

APPEAL NO. 09A-UI-10000-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CONTRACT TRANSPORT INC
Employer

**Original Claim: 05/31/09
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 2, 2009, reference 01, that held the claimant voluntarily quit employment without good cause attributable to the employer on June 1, 2009, and benefits are denied. A telephone hearing was held on July 29, 2009. The claimant participated. Jeane Nible, Corporate Treasurer, participated for the employer.

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 witnesses and having considered the evidence in the record, finds: The claimant began work on July 10, 2008 as a full-time shop employee on July 10, 2008, and quit his job on May 1, 2009. The claimant's final rate of pay was \$10.50 per hour.

The claimant accepted a truck driving job at O & L Enterprises prior to leaving Contract Transport. The claimant was advised he could earn up to \$1,200 per week. The claimant worked one day and was let go due to a lack of work.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer due to leaving for better employment effective May 1, 2009.

The measure of better employment is what the claimant understood to be regarding the opportunity to earn more for his new employer. The claimant worked one day for his new employer and was laid off due to a lack of work. Contract Transport is relieved of liability for this claim.

DECISION:

The department decision dated July 2, 2009, reference 01, is modified. The claimant voluntarily quit with good cause attributable to the employer on May 1, 2009, for better employment. Benefits are allowed, provided the claimant is otherwise eligible. Contract Transport is not liable for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw