

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADMIR NEBIC
Claimant

APPEAL NO. 13A-UI-10851-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEST DES MOINES COMM SCH DIST
Employer

OC: 09/01/13
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit for other Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 19, 2013, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 17, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Brenda Moorehead participated in the hearing on behalf of the employer with a witness, Brad Rose. Exhibit One were admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a custodian from August 8, 2012, to July 12, 2013. He voluntarily quit employment on July 12, 2013, because he had been offered and accepted a job with B & G Moving in St. Louis, Missouri. The claimant traveled to St. Louis, and when he contacted B & G Moving, he was told that he could not work because the job required him to have a commercial driving license. He had not been told this when he accepted the offer of work.

Besides the job offer the claimant accepted with B & G Moving, the claimant also quit because of treatment by a coworker. The claimant had complained to management in February 2013 that a coworker had insulted the claimant by telling him to go back where he came from and calling him a terrorist. After investigating the complaint and determining the negative comments were mutual, the human resources counseled the parties about the employer's respectful working environment policy. The claimant continued having problems with the coworker but never complained about it to management again.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant has not shown good cause for quitting attributable to the employer based on how he was treated by the coworker because he never brought the problems to management's attention after February 2013.

However, the unemployment insurance rules provide that a claimant is eligible for benefits after quitting employment to accept an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after starting the new employment. 871 IAC 24.28(6). In this case, the claimant accepted an offer of work made to him by B & G Moving. He was separated from that job before he started working because he did not have a commercial driver's license. He had not been told this was a requirement when he accepted the offer of work. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. Under Iowa Code § 96.5-1-a, the employer shall not be charged for any benefits paid to the claimant since he quit for other employment.

DECISION:

The unemployment insurance decision dated September 19, 2013, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The employer shall not be charged for any benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css