

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KARL S OAKLEY**

Claimant

**APPEAL NO: 12A-UI-12040-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NELSON ELECTRIC COMPANY**

**NEC INC**

Employer

**OC: 01/15/12**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(3) – Seek Other Employment

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 24, 2012, reference 01, that held he voluntarily quit without good cause attributable to his employer on September 1, 2012, and benefits are denied. A telephone hearing was held on October 29, 2012. The claimant participated. Dave Murray, President, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without 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 worked for the employer as a full-time electrician from April 2, 2012 to September 1. The claimant gave two-week notice to the job site foreman on August 16 he was quitting for other employment. Claimant left work on September 1 believing he would start the other job on September 5. He perceived that work was slowing down but the employer had made no announcement the job was ending at a certain date.

On September 4 the union business agent put the claimant on hold to start work. Claimant did not begin work with his new employer until September 17.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 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.

871 IAC 24.25(3) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(3) The claimant left to seek other employment but did not secure employment.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to seeking other employment on September 1, 2012, but not securing employment until later than expected.

The claimant is not entitled to receive unemployment during a waiting period between employers. The employer did not announce a work completion date when claimant told his foreman he was moving on to a new job with a two-week notice on August 16. It appears the hold-up to claimant starting with his new employer was a communication issue with the union and that employer the day before he was to begin. The former employer has no obligation to put claimant back on a job he has quit to take a new job.

**DECISION:**

The department decision dated September 24, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause on September 1, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs