

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SIGIFREDO CORRAL**  
Claimant

**LAKES VENTURE LLC**  
Employer

**APPEAL 16A-UI-13016-JP-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/30/16**  
**Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 5, 2016, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 27, 2016. Claimant participated. CTS Language Link interpreter ID number 4725 interpreted on claimant's behalf. Employer participated through hearing representative Pamela Drake and assistant store director Steve Bourbon. Employer Exhibit 1 was admitted into evidence with no objection. Official notice was taken of the administrative record of claimant's wage history, with no objection.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a meat clerk from March 16, 2016, and was separated from employment on August 12, 2016, when he quit.

On August 6, 2016, claimant gave the employer a written letter of resignation, effective August 12, 2016. Employer Exhibit 1. Claimant stated he was quitting to "try and advance [his] career for [his] Family." Employer Exhibit 1. Claimant quit because he had accepted a job with Packers Sanitation, which paid him more money. The employer accepted claimant's resignation. Claimant worked through August 12, 2016. The employer had continued work available for claimant had he not quit. Claimant did perform work for the subsequent employer, Packers Sanitation.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment to accept employment elsewhere.

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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify claimant from receiving benefits, claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer (LAKES VENTURE LLC) shall not be charged.

**DECISION:**

The December 5, 2016, (reference 02) decision is modified in favor of the appellant. Claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided claimant is otherwise eligible. The account of the employer (LAKES VENTURE LLC, account number 565120-000) shall not be charged.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs