

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CONNIE A YOUNG**  
Claimant

**APPEAL NO. 11A-UI-05437-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MADDEN LTD**  
Employer

**OC: 03/13/11  
Claimant: Appellant (2-R)**

Section 96.5-1-a – Voluntary Quit to Accept Other Employment

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 12, 2011, reference 02, that concluded she voluntarily quit employment without good cause. A telephone hearing was held on May 18, 2011. The claimant participated in the hearing with her attorney, Siobhan Schneider. Al Irey participated on behalf of the employer. Exhibit A was admitted into evidence at the hearing. Official notice is taken of the claimant's claim records, which shows that Growth Unlimited Corp has not reported wages for the claimant.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant worked for the employer as a truck driver from September 2008 to November 21, 2009. The claimant voluntarily left employment on November 21, 2009 to accept a job with Growth Unlimited Corporation as a truck driver. The claimant performed services for Growth Unlimited Corp. in December 2009 and January 2010, as evidenced by a 2010 W-2 form.

There is no record that Growth Unlimited Corp. reported wages for the claimant to the Agency.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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 work to accept other employment and performed services in that new employment. The claimant is qualified to receive unemployment insurance benefits based on her separation from employment with the employer, provided she is otherwise eligible. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

There is no record that Growth Unlimited Corp. reported wages for the claimant to the Agency. The issue of whether the Growth Unlimited Corp. should have reported wages for the claimant is remanded to the Agency. If Growth Unlimited Corp. is determined to be a covered employer and wages are added to the claim, a notice of claim must be sent to the Growth Unlimited Corp. to allow them to protest the claim. Growth Unlimited Corp's address is 1200 Broadway Street, P.O. Box 42, Red Oak, Iowa 51566.

**DECISION:**

The unemployment insurance decision dated April 12, 2011, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant. The issue of whether the Growth Unlimited Corp. should have reported wages for the claimant is remanded to the Agency.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw