

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFF OMANN**  
Claimant

**APPEAL NO. 07A-UI-02552-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CUSTOM MADE PRODUCTS CO**  
Employer

**OC: 01/14/07 R: 01**  
**Claimant: Respondent (4)**

Section 96.5-1-a - Voluntary Leaving - Other Employment  
871 IAC 24.28(5) - Voluntary Quit Requalifications

**STATEMENT OF THE CASE:**

Custom Made Products Company (employer) appealed an unemployment insurance decision dated March 8, 2007, reference 01, which held that Jeff Omann (claimant) was eligible for unemployment insurance benefits. Due notice was issued scheduling the matter for a telephone hearing to be held March 29, 2007. Because the parties agreed on the facts of this case and because a decision fully favorable to both parties could be made, a hearing was deemed unnecessary. Based on the evidence, the statements of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The claimant worked for the employer but was laid off for lack of work on December 30, 2005. He subsequently quit his employment on January 20, 2006 to go to work for Trauger Trucking and continues to work for Trauger Trucking. The claimant was laid off from Trauger Trucking for two weeks in January 2007.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment to accept employment elsewhere.

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.

871 IAC 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.

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

**DECISION:**

The unemployment insurance decision dated March 8, 2007, reference 01, is modified in favor of the appellant. The claimant voluntarily left his employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer's account shall not be charged.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw