

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BERNARD PENELTON**  
Claimant

**APPEAL NO. 10A-UI-10784-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WINEGARD COMPANY**  
Employer

**OC: 07/04/10**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 28, 2010, reference 01, that concluded he voluntarily quit employment without good cause. A telephone hearing was held on September 14, 2010. The claimant failed to participate in the hearing. Tom Kuiper participated on behalf of the employer and agreed that a decision could be made based on the information in the administrative file.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant worked for the employer from June 29, 2010, to July 2, 2010. The claimant voluntarily left employment on July 2, 2010 to accept a job with Siemens. He was informed that he was hired on June 23, 2010, and was supposed to report for orientation on July 7 and start actual work on July 12. After he left employment with the employer, a Siemens representative informed him that Siemens had changed its mind and would not be hiring him. The claimant tried to get his job back with the employer but was told that he could not be rehired because he quit.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer under Iowa Code § 96.5-1.

871 IAC 24.28(5) provides a 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 claimant left work to accept other employment but was separated before starting the new employment. Consequently, the claimant is qualified to receive benefits, provided he is

otherwise eligible. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

**DECISION:**

The unemployment insurance decision dated July 28, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css