

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANE D HOFER
Claimant

APPEAL NO: 09A-UI-18128-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IBP FOODS INC
Employer

OC: 11/08/09
Claimant: Appellant (2)

Section 96.5-1-a - Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

The claimant appealed a representative's December 2, 2009 decision (reference 01) that concluded he was not qualified to receive benefits, and the employer's account was exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on January 12, 2010. The claimant participated in the hearing. Hal Erdington, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 7, 2007. The claimant worked as a full-time employee. On July 22, 2009, the claimant gave the employer his two weeks' notice. The claimant worked until the effective date of his resignation, August 9, 2009.

The claimant resigned because his wife obtained a job in Minnesota, he owned a home in Minnesota, he was closer to his medical specialist in Minnesota, his parents live in Minnesota and he secured a job in Minnesota that he thought would be a long-lasting job. The claimant worked for a Minnesota employer for several months.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. However, when a claimant quits because he has obtained other employment and performs services for the new employer, he is not disqualified from receiving benefit, and the employer's account will not be charged. Iowa Code section 96.5-1-a.

The claimant quit for several reasons. One reason for quitting was because the claimant obtained employment in Minnesota and worked for a Minnesota employer after he moved back to Minnesota. While the claimant quit for other personal reasons, the fact he also quit to work for a new employer qualifies him to receive benefits. The employer's account will not be charged.

DECISION:

The representative's December 2, 2009 decision (reference 01) is reversed. Since the claimant in part quit because he accepted a job in Minnesota, he is qualified to receive benefits as of November 8, 2009, provided he meets all other eligibility requirements. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs