

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICHOLAS B SCHICK**  
Claimant

**APPEAL NO. 13A-UI-13158-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MODERN PIPING INC**  
Employer

**OC: 10/27/13  
Claimant: Appellant (4)**

Section 96.5(1)a – Quit/New Employment

**STATEMENT OF THE CASE:**

The claimant, Nicholas Schick, filed an appeal from a decision dated November 27, 2013, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 18, 2013. The claimant participated on his own behalf. The employer, Modern Piping, participated by Project Manager Mike Hessenius.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Nicholas Schick was employed by Modern Piping from December 17, 2012 until August 23, 2013 as a full-time helper. He submitted a written resignation to the employer on August 13, 2013, because he had been accepted into an apprenticeship program with Wolin and Associates. He indicated his last day would be Friday, August 23, 2013. He began the new job August 26, 2013, and continues in that job as of the date of the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

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 quit for the sole purpose of accepting another job with better prospects. He worked for the new employer prior to filing the claim for unemployment benefits. Under the provisions of the above Administrative Code section, he requalified for benefits after his resignation from Modern Piping.

**DECISION:**

The unemployment insurance decision dated November 27, 2013, reference 02, is modified in favor of the appellant. Nicholas Schick is qualified for benefits, provided he is otherwise eligible. The account of Modern Piping will not be charged for any benefits paid to the claimant after August 23, 2013.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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