

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MIKE R SCHLEISMAN**  
Claimant

**APPEAL NO: 12A-EUCU-00009-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAN COOPER BUILDERS INC**  
Employer

**OC: 12/30/11  
Claimant: Appellant (4)**

Section 96.5-1-a – Voluntary Quit/Other Employment

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated December 30, 2011, reference 01, that held he voluntarily quit without good cause attributable to his employer on November 10, 2011, and benefits are denied. A telephone hearing was held on February 8, 2012. The claimant participated. Dan Cooper, President, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time concrete construction laborer from April 2011 to November 10. He left employment to go to work for Randy Helmers Construction of Estherville, Iowa beginning November 11, 2011. He is still working for this employer though he is on partial lay-off.

**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 administrative law judge concludes the claimant voluntarily quit for good cause based on accepting other employment on November 11, 2011. Claimant is entitled to benefits based on a transfer of his wage credits to the general fund, and the employer is not charged.

While claimant might have been motivated to leave his former employer due to pay issues, he last worked on November 10 and went to work the next day for another construction business.

**DECISION:**

The department decision dated December 30, 2011, reference 01, is modified. The claimant voluntarily quit for other employment effective November 10, 2011. Benefits are allowed, provided claimant is otherwise eligible. The employer's account is not charged.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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