

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROYCE D SCHNEIDER**  
Claimant

**APPEAL NO: 12A-UI-01462-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SCHUSTER GRAIN CO INC**  
Employer

**OC: 12/25/11  
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit/Other or Better Employment

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated February 1, 2012, reference 01, that held he voluntarily quit without good cause attributable to his employer on November 4, 2011, and benefits are denied. A telephone hearing was held on March 2, 2012. The claimant, his wife Valerie, and former driver, Larry Rager, participated. Erica Wenzel, HR Representative Manager, and Linda Stephens, participated for the employer. Claimant Exhibit A and Employer Exhibit One were received as evidence.

**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 with the stipulation in the record, finds: The claimant began employment as an over-the-road driver on July 22, 2008, and last worked for the employer on November 4, 2011. The claimant was paid by the mile(s) he drove each week. Claimant experienced a work decline that is customary for the trucking industry during the period from November thru February each year.

He accepted an over-the-road driver job for Owner/Operator Walsh on November 3, and continued to work until December 20. He filed for unemployment on December 25.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 other/better employment that is with good cause on November 4, 2011. Claimant is eligible for benefits, and the employer's account is relieved of liability for the claim. Claimant and employer stipulate and concur this was a leaving for other employment.

**DECISION:**

The department decision dated February 1, 2012, reference 01, is modified. The claimant voluntarily quit for other/better employment on November 4, 2011. Benefits are allowed, provided the claimant is otherwise eligible. The employer is relieved of liability for this claim.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs