

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KENNETH J BOLEN**  
Claimant

**JELD-WEN INC**  
Employer

**APPEAL 20R-UI-03450-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 12/22/19**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the January 23, 2020 (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was scheduled for February 11, 2020, at 1:00 p.m. No hearing was held because appellant failed to respond to the hearing notice and provide a telephone number at which appellant could be reached for the scheduled hearing. On February 12, 2020, a default decision was issued dismissing the appeal in 20A-UI-00768-AW-T.

On March 13, 2020, claimant appealed to the Employment Appeal Board (EAB). On April 23, 2020, the EAB remanded this matter to the Appeals Bureau for a hearing on the merits. Upon remand, due notice was issued and a hearing was held on May 18, 2020 at 8:00 a.m. Claimant participated. Employer did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a finisher from December 20, 2018 until his employment with Jeld-Wen ended on December 3, 2019, when claimant resigned. Claimant quit his employment with Jeld-Wen to accept other employment at Iowa Premium Beef. Claimant performed work for Iowa Premium Beef.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit to accept other employment. Benefits are allowed provided claimant is otherwise eligible. Employer's account shall not be charged.

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.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The 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. No charge shall accrue to the account of the former voluntarily quit employer.

Even though the separation was without good cause attributable to employer and would, standing alone, disqualify claimant from receiving benefits, claimant did quit in order to accept other employment and performed services for the subsequent employer. Therefore, benefits are allowed and employer's account shall not be charged.

**DECISION:**

The January 23, 2020 (reference 02) unemployment insurance decision is reversed. Claimant voluntarily quit for the sole purpose of accepting other employment and performed work in the new employment. Benefits are allowed provided claimant is otherwise eligible. Employer's account (account number 165371-000) shall not be charged.



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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

May 20, 2020  
Decision Dated and Mailed

acw/scn