

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

EFREN TORRES
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OTTUMWA IA 52501

EXCEL CORPORATION
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166 0283

Appeal Number: 05A-UI-07025-DWT
OC: 06/12/05 R: 03
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Efren Torres (claimant) appealed a representative's July 1, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Excel Corporation (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 5, 2005. The claimant participated in the hearing. Rosie Paramo-Ricoy interpreted the hearing. The employer's witnesses were contacted, but neither was available to participate in the hearing. Based on the evidence, the arguments of the claimant, 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 unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 15, 2001. The claimant worked full time for the employer.

The claimant received his truck driver's license and started making inquiries about working as a truck driver. A Wisconsin employer asked the claimant to participate in an orientation in mid-May. The claimant asked the employer for time off to go to Wisconsin, but the employer did not grant the claimant any time off. The claimant went to Wisconsin anyway. The claimant's last day of work for the employer was May 25, 2005.

After completing the Wisconsin employer's orientation, this employer did not hire the claimant because he did not have enough driving experience. When the claimant returned to Iowa, he asked the employer for his job back. The employer would not immediately rehire the claimant because the employer considered the claimant to have quit his employment. The employer told the claimant he could reapply in a couple of months.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. When a claimant quits employment for another job, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code §96.5-1-a.

The facts establish the claimant quit his employment by going to Wisconsin without authorization. The claimant quit because he reasonably understood he would have a job after he completed the Wisconsin employer's orientation. Under these facts, the claimant is qualified to receive unemployment insurance benefits as of June 12, 2005.

DECISION:

The representative's July 1, 2005 decision (reference 01) is reversed. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits. As of June 12, 2005, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account will not be charged.

dlw/kjf