

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRYCE A FIDDELKE
Claimant

APPEAL NO. 09A-UI-01705-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING & PROFESSIONAL
SERVICES**
Employer

OC: 12/21/08 R: 01
Claimant: Respondent (4)

Section 96.5(1)a – Quit for Other Work

STATEMENT OF THE CASE:

Aventure Staffing & Professional Services (Aventure) filed an appeal from a representative's decision dated January 26, 2009, reference 01, which held that Bryce Fiddelke satisfied the availability requirements of the law effective December 21, 2008. After due notice was issued, a hearing was held by telephone on February 24, 2009. Mr. Fiddelke participated personally. The employer participated by Robert Hardy, Human Resources Assistant.

ISSUE:

At issue in this matter is whether Mr. Fiddelke was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Fiddelke began working for Salem Management on October 15, 2007. The business was sold to Aventure effective January 1, 2008. Salem Management ceased to exist as an entity as of that date. At the time of the sale, Mr. Fiddelke was working on a full-time assignment with Merkel Freudenberg, Inc. (Freudenberg). He left Aventure when he accepted full-time, regular employment with Freudenberg.

Mr. Fiddelke became separated from Freudenberg on October 18, 2008 and returned to Aventure to seek work. He was placed on an assignment with Morton Buildings on October 13. He filed a claim for job insurance benefits effective December 21, 2008 because of a plant shut-down that began December 22. The issue of his December 22 temporary separation has been adjudicated in the representative's decision dated January 26, 2009, reference 02.

REASONING AND CONCLUSIONS OF LAW:

Mr. Fiddelke became separated from Salem Management when the business ceased to exist after its sale to Aventure. Since he did not do anything to cause the separation, it was not a disqualifying event. Because the business was sold in its entirety, Aventure would become

liable for any charges against Salem Management's account. If it has not already done so, Workforce Development will determine if Aventure is a successor to the unemployment account of Salem Management. If it is determined that Aventure is not a successor, Salem Management would retain liability based on wages paid to Mr. Fiddelke before the sale as his separation from Salem Management was for no disqualifying reason.

Mr. Fiddelke continued to work for Aventure after it purchased the business. He continued to work for them until February 2, 2008 when he was hired to work as a regular employee of the company he had been working for as a temporary employee. It was his choice to accept work with Freudenberg rather than continue working for Aventure. Therefore, the separation from Aventure on February 8, 2008 constituted a voluntary quit. Mr. Fiddelke quit his job with Aventure in good faith for the sole purpose of accepting other work. Since he had performed services in the new employment when he filed his claim for job insurance benefits, he is entitled to benefits pursuant to Iowa Code section 96.5(1)a.

Benefits paid to Mr. Fiddelke based on wage credits earned through February 8, 2008 shall not be charged to any employer's account. Section 96.5(1)a. Aventure may still be liable for benefits paid to Mr. Fiddelke based on wage credits earned after February 8, 2008

DECISION:

The representative's decision dated January 26, 2009, reference 01, is hereby modified. Mr. Fiddelke left his employment with Aventure on February 8, 2008 in good faith for the sole purpose of accepting other work where he has performed services. Benefits based on wage credits earned through February 8, 2008 shall not be charged to any employer's account.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs