

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIMOTHY E HUFFMAN**  
Claimant

**APPEAL NO: 10A-UI-00956-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CANNER INC**  
Employer

**OC: 12/20/09**  
**Claimant: Respondent (4)**

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

**STATEMENT OF THE CASE:**

The employer appealed a representative's January 12, 2010 decision (reference 01) that concluded the claimant was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been laid off for lack of work. A telephone hearing was held on February 17, 2010. The claimant participated in the hearing. Michelle Monroe, the office manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

Did the employer lay off the claimant for lack of work?

**FINDINGS OF FACT:**

The claimant started working for the employer in February 2007. He worked as a full-time truck driver. In early December 2009, the employer told employees there was the possibility they would not be receiving bonuses. On December 18, the employer confirmed that no bonuses were going to be given. The claimant already had another job opportunity and told the employer he was resigning as of January 1, 2010. The claimant resigned because he was going to work for another employer.

After the claimant submitted his resignation, the employer hired a person to replace him on December 20, 2009. As a result of hiring a new employee, the employer informed the claimant on December 20 that he was no longer needed because there was not enough work for him to do. The last day the claimant worked for the employer was December 18, 2009. The claimant started working for his new employer on January 4, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The law provides that when a claimant voluntarily quits employment because he has accepted other employment and performs services for the new employer, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5-1-a.

The claimant satisfied the requirements of Iowa Code § 96.5-1-a. Therefore, he is qualified to receive benefits as of December 20, 2009. The employer's account will not be charged.

**DECISION:**

The representative's January 12, 2010 (reference 01) is modified in the employer's favor. The employer did not lay off the claimant for lack of work. Instead, the claimant voluntarily quit his employment for reasons that qualify him to receive benefits because he quit to accept another job and went to work for his new employer. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css