

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DAHIR G MAOW**  
Claimant

**AVENTURE STAFFING & PRO**  
Employer

**APPEAL 16A-UI-12809-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/30/16**  
**Claimant: Appellant (4R)**

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Iowa Code § 96.5(1)a – Voluntary Quitting/Other Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 2, 2016, (reference 04) unemployment insurance decision denying benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on December 16, 2016. Claimant participated. Employer participated through human resource specialist Toni Holguin. Claimant's Exhibit A was received.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer is a temporary employment firm. Claimant was last assigned to work as a production worker at Stack Wholesale Foods. His last day of work was July 27, 2016. Continued work was available. Claimant left employment with employer to accept other employment with American Seafoods Company LLC.

Claimant has since been separated from employment with American Seafoods Company LLC. No initial determination has been made regarding whether the separation disqualifies him from receiving benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

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.

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

**DECISION:**

The December 2, 2016, (reference 04) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

**REMAND:**

This matter is remanded to the Benefits Bureau for an initial determination regarding whether claimant's separation from employment with American Seafoods Company LLC, 2025 First Ave, Suite 900, Seattle, Washington 98121 disqualifies claimant from receiving benefits.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
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Decision Dated and Mailed

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