

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRET J ZAHINA
Claimant

MI-T-M CORPORATION
Employer

APPEAL NO. 18A-UI-07905-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/01/18
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 20, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 14, 2018. Claimant participated. Employer participated by Susan Haxmeier. Employer's Exhibits 1-11 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 17, 2018. Claimant voluntarily quit his job such that he could take a new job with another company. Claimant did begin work soon after his quit and has continued to work for the new employer. Claimant put in for unemployment during a Fourth of July week off and for a company slowdown.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has established that claimant is still eligible to receive benefits in this matter, if otherwise qualified, based on his quit of this employment. Claimant quit for the sole purpose of taking other employment and furthering himself, and claimant did quit the employment. Employer shall not be charged in this matter.

DECISION:

The decision of the representative dated July 20, 2018, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Employer's account shall not be charged for benefits received in this matter.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn