

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KYLE THOMAE
Claimant

APPEAL NO: 11A-UI-08862-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACT INC
Employer

OC: 05/29/11
Claimant: Appellant (2)

Iowa Code § 96.5(1)a – Quit for Other Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 1, 2011 determination (reference 02) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Deb Schrieber and Susan Scott appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant works for the employer on different projects. Prior to establishing his claim for benefits during the week of May 29, 2011, he had started a project for the employer in March 2011. As of May 9, the project the claimant had been working on was 90 percent complete. While he could have worked one or two more days that week, he would then have been laid off for ten days and could do some finish up work for a few days.

On May 9, the claimant informed Scott, he would be working for another employer starting on May 11. The claimant accepted a job with Pearson because he could work for them during the time he would have been laid off from work by the employer. The claimant's last day of work for the employer on the current project was May 9. He worked for Pearson from May 11 through June 1, 2011, when he completed the job he had been assigned to do.

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). A claimant who quits because he has accepted employment with another employer 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 did not finish the project he started for the employer because he accepted a job with another employer. Since the claimant quit because he had another job, he is qualified to receive benefits as of May 29, 2011.

DECISION:

The representative's July 1, 2011 determination (reference 02) is reversed. The claimant voluntarily quit his employment on May 9 because he had accepted another job that started on May 11, 2011. The claimant quit his employment for reasons that qualify him to receive benefits as of May 29, 2011, provided he meets all other eligibility requirements. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css