

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GARLEY R REYNOLDS
Claimant

APPEAL NO. 08A-UI-01456-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 01/06/08 R: 03
Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated February 6, 2008, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 26, 2008. Claimant participated. Employer participated by Chris Wundram, Sales Manager.

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 having considered all of the evidence in the record, finds: Claimant last worked for employer on July 24, 2007. Claimant quit due to a new and better job based on rate of pay. Claimant was offered work again by employer for a half day November 8, 2007. Claimant accepted the job but was not given a proper address. Claimant called for the address and was told the job was cancelled. Claimant did not work and earn wages on or after November 8, 2007. The last time claimant worked for the employer was July 24, 2007. The most current separation is July 24, 2007.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of new and better employment. The separation date is July 24, 2007. Claimant did not work and earn any wages after that date. There was no separation on November 8, 2007. Claimant quit for new and better work. Claimant did work in and receive wages from the new job. This is not good cause attributable to employer for a quit but does nonetheless qualify claimant for benefits. Employer's account shall not be charged.

Iowa Code section 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.

871 IAC 24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment.

DECISION:

The decision of the representative dated February 6, 2008, reference 01, is modified. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Employer's account shall not be charged. Credits from this employer shall be charged to the unemployment compensation fund.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw