

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LOREN E SPOONER**  
Claimant

**APPEAL NO. 07A-UI-01022-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SALEM MANAGEMENT INC**  
Employer

**OC: 02-05-06 R: 01  
Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 19, 2007, reference 06, decision that denied benefits. After due notice was issued, a hearing was held on February 12, 2007. The claimant did participate along with his witness, Doug Baker. The employer did participate through Cyd Hall, office Manager.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: The claimant was last assigned to work at the Farmers Cooper Elevator in Sanborn, Iowa, as a laborer beginning on October 16, until November 11, 2006. The claimant completed the assignment on November 11, 2006. The claimant was offered another job assignment on November 13, which he refused because he had already accepted other employment as a power washer. The claimant worked as a power washer from November 14 until December 8, when he was laid off due to lack of work. The claimant had completed his primary assignment, but refused other work because he had found other employment.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

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 but was separated before having started the new employment. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The January 19, 2007, reference 06, decision is modified in favor of the appellant. The claimant voluntarily left his employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 253726) shall not be charged.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/kjw