

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE HARTMAN
Claimant

APPEAL NO. 10A-EUCU-00698-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

VAN WYK FREIGHT LINES INC
Employer

OC: 01-03-10
Claimant: Appellant (4)

Section 96.5-1 a – Voluntary Leaving - Other Employment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 27, 2010, reference 07, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 27, 2010. The claimant participated in the hearing. Marcy VanWyk, Director of Administration and Safety; Loretta VanWyk, Vice-President; Virginia Breedon, Accounts Payable/Accounts Receivable; and Ron Moyer, Operations Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment to accept employment elsewhere.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time billing and dispatcher for VanWyk Freight Lines from May 7, 2010 to June 28, 2010. Continued work was available. She left her employment with VanWyk to accept other employment at DJ Convenience Store in Montezuma and performed services for the subsequent employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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, she did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of VanWyk Freight Lines shall not be charged.

DECISION:

The July 27, 2010, reference 07, decision is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of this employer shall not be charged.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw