

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW M BALDWIN
Claimant

APPEAL NO. 12A-UCX-00014-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KATECHO INC
Employer

OC: 01/01/12
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Andrew Baldwin filed a timely appeal from a representative's decision dated March 28, 2012, reference 01, which denied benefits effective January 1, 2012, finding the claimant did not meet the availability requirements of the law, as he was on an approved leave of absence. A telephone hearing was held on April 25, 2012. The parties waived notice on the issue of whether the claimant had voluntarily left employment. Mr. Baldwin participated personally. The employer participated by Ms. Melissa Wreinsch, human resource generalist.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Andrew Baldwin began employment with Katecho, Inc. on January 18, 2010, and was employed as a full-time quality inspector. Mr. Baldwin's last day of work with Katecho, Inc. was May 1, 2010. The claimant had requested and had been granted an approved leave of absence, as the claimant had received pre-deployment orders from the U.S. military. Mr. Baldwin was granted 180 days of approved leave by Katecho, Inc. The claimant agreed to return to employment after his deployment and the employer, in turn, agreed to hold the claimant's job position open for him.

After being released from his military deployment on or about October 15, 2011, Mr. Baldwin elected to accept new employment with Premier Glazing Company. The claimant began full-time employment with that company and was paid wages for his services. The claimant believed that the new employment with Premier Glazing was a betterment of employment, as the pay and benefits were substantially greater.

REASONING AND CONCLUSIONS OF LAW:

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.

The evidence in the record establishes that Mr. Baldwin received an offer of new employment and accepted the new employment while still attached to Katecho, Inc. during an approved leave of absence. Mr. Baldwin elected not to return to Katecho, Inc. for the sole purpose of going to work full-time for the new employer.

Based upon the facts of the case and the application of the law, Mr. Baldwin's departure from his employment with Katecho, Inc. was not a disqualifying event and Katecho, Inc. is not chargeable for benefits paid to Mr. Baldwin. See Iowa Code section 96.5-1-a.

DECISION:

The representative's decision dated March 28, 2012, reference 01, is reversed. The claimant is eligible to receive unemployment insurance benefits, provided he meets all other eligibility requirements of Iowa law. Benefits related to wage credits the claimant earned with Katecho, Inc. shall be charged to the unemployment compensation fund.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw