

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUSTIN M BRASS**

Claimant

**APPEAL NO: 12A-UI-06752-DW**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DICK'S CONCRETE INC**

Employer

**OC: 01/01/12**

**Claimant: Appellant (4)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 1, 2012 determination (reference 01) 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. Dick Hogan, the owner, appeared on the employer's behalf. 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 this employment for other employment?

**FINDINGS OF FACT:**

The claimant started working for the employer in July 2011. The claimant accepted work with the employer because he was not getting work through his union. When the claimant started working as a full time concrete finisher for the employer, he told the employer that when the union called him back to work he would resign.

After the union contacted the claimant about returning to work for the union, the claimant gave the employer about a month's notice that he would be resigning. The claimant's last day of work for the employer was May 4, 2012.

The claimant understood the employer would assign him a long-term job, but he worked one day for another employer the week of May 6 and one day the week of May 13. The week of May 21, the union assigned the claimant to work for Weitz Construction and the claimant still works for this employer.

The claimant filed claims for the week ending May 12 and 19. He has not filed any claims after he started working for Weitz Construction.

**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). When a claimant quits employment to accept other employment, he is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

The evidence establishes the claimant resigned after his union contacted him and assigned him to work for another employer. Even though it took two weeks for the union to assign the claimant to a full-time job, the claimant quit working for the employer for other employment. As of May 6, the claimant is qualified to receive benefits and the employer's account will not be charged as of this date.

**DECISION:**

The representative's June 1, 2012 determination (reference 01) is modified in the claimant's favor. The claimant voluntarily quit his employment, but he quit because he accepted other employment. Therefore, as of May 6, 2012, the claimant is qualified to receive benefits. Also, as of May 6, 2012, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs