

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARINA P CHRISSINGER
Claimant

APPEAL NO. 10A-UI-14366-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 09/12/10
Claimant: Appellant (2)

Section 96.5-1-a – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated October 11, 2010, reference 01, which held the claimant voluntarily quit work for reasons not attributable to the employer. After due notice was issued, a telephone hearing was held on December 2, 2010. The claimant participated. The employer participated by Sandy Matt, human resource specialist.

ISSUE:

At issue is whether the claimant quit to accept other employment.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Marina Chrissinger was employed by CRST Van Expedited, Inc. as an over-the-road tractor trailer driver from November 8, 2007, until June 12, 2010, when she voluntarily quit to accept other employment with Conway Freight Company. The claimant performed services for Conway from approximately June 18, 2010, through August 25, 2010, when she was subsequently separated.

Work continued to be available to the claimant with CRST Van Expedited, Inc. at the time that the claimant chose to leave employment.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the claimant left employment in good faith for the sole purpose of accepting other or better employment and whether the claimant performed services in the new employment. It does.

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 claimant left her employment with CRST Van Expedited, Inc. on June 12, 2010, for the express purpose of accepting new employment with Conway Freight Company. The evidence in the record is convincing that the claimant did accept employment and perform services for Conway beginning June 18, 2010. Under these circumstances, Ms. Chrissinger's separation from CRST Van Expedited, Inc. is not a disqualifying event. CRST Van Expedited, Inc. is not chargeable for benefits paid to Ms. Chrissinger. See Iowa Code section 96.5-1-a.

DECISION:

The representative's decision dated October 11, 2010, reference 01, is reversed. The claimant is eligible to receive benefits, provided she meets all other eligibility requirements of Iowa law. Benefits related to wage credits the claimant earned with CRST Van Expedited, Inc. shall be charged to the unemployment compensation fund.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw