

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDON L WILSON
Claimant

MASTERTSON PERSONNEL INC
Employer

APPEAL 15A-UI-09967-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/07/14
Claimant: Appellant (4R)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 25, 2015, (reference 05) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit work to accept other employment, but had not accepted that employment. The parties were properly notified about the hearing. A telephone hearing was held on September 18, 2015. Claimant Brandon Wilson participated on his own behalf. Employer Mastertson Personnel, Inc. did not participate.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a temporary worker beginning April 7, 2015, and was separated from employment on July 25, 2015, when he quit. The claimant quit his employment to accept a permanent position with another employer. He began his new employment and has worked full-time hours each week for his subsequent employer since his separation date. He filed for benefits for the week ending August 9, 2015 because he believes his current employer will not compensate him for that week of work until he leaves his employment at some time in the distant future.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere. Benefits are allowed, provided the claimant is otherwise eligible.

Iowa Code § 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 § 96.8, subsection 5.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

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. Accordingly, benefits are allowed, provided the claimant is otherwise eligible, and the account of the employer shall not be charged.

DECISION:

The August 25 (reference 05) 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 371331) shall not be charged.

REMAND:

The case is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination as to whether the claimant was able and available for work and eligible for benefits the week of August 9, 2015.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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