

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GAIL D BOYSEN

Claimant

APPEAL NO. 08A-UI-00508-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST INDUSTRIES INC

Employer

**OC: 12/09/07 R: 01
Claimant: Appellant (4)**

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Gail Boysen, filed an appeal from a decision dated January 7, 2008, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on January 30, 2008. The claimant participated on his own behalf. The employer, Midwest Industries, participated by Employment Manager Lyle Holmes and Operations Team Leader Tim Billings.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Gail Boysen was employed by Midwest Industries from August 13, 1985 until October 12, 2007, as a full-time laborer. He submitted a written resignation on October 2, 2007, giving two-weeks notice. He had been offered, and accepted, a job driving truck for Riessen Trucking, which he began on October 15, 2007, and worked for approximately three weeks.

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 claimant quit in order to accept new employment, which he did accept. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer, but the claimant has requalified by working in the new employment prior to filing his claim for benefits.

DECISION:

The representative's decision of January 7, 2008, reference 01, is modified in favor of the appellant. Gail Boysen is qualified for benefits, provided he is otherwise eligible. However, the account of Midwest Industries shall not be charged with benefits paid to the claimant.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css