

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

BEKIM KAJTAZOVIC
1524½ W 5TH ST
WATERLOO IA 50702

TYSON FRESH MEATS INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-07130-AT
OC: 06-12-05 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1a – Voluntary Quit for for Other Employment

STATEMENT OF THE CASE:

Bekim Kajtazovic filed a timely appeal from an unemployment insurance decision dated July 5, 2005, reference 01, which denied unemployment insurance benefits to him. Due notice was issued for a telephone hearing to be held July 28, 2005. Mr. Kajtazovic did not respond to the hearing notice. The employer elected to rely upon information in the administrative file. The administrative law judge also takes official notice of agency wage records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Bekim Kajtazovic was employed by Tyson Fresh Meats, Inc. from June 20, 2000 until he resigned September 17,

2004 in anticipation of being hired by Target. He was not hired. No wages have been reported to Iowa Workforce Development for Mr. Kajtazovic since he left employment with Tyson Fresh Meats, Inc.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Kajtazovic is entitled to receive unemployment benefits at this time. He is not.

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.

Mr. Kajtazovic resigned from Tyson Fresh Meats, Inc. in anticipation of being hired by Target Stores. Since he never worked for Target, however, the provisions of Iowa Code section 96.5-1-a do not apply. While he left employment for good personal cause, the anticipation of a better job, he did not resign with good cause attributable to Tyson Fresh Meats, Inc. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated July 5, 2005 reference 01 is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

sc/kjw