

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JASON M REYNOLDS**  
Claimant

**NASH-FINCH COMPANY**  
Employer

**APPEAL 15A-UI-03654-KC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/15/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1)a – Voluntary Quitting/Other Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 20, 2015, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting employment. The parties were properly notified about the hearing. A telephone hearing was held on April 20, 2015. The claimant participated. The employer was represented by Nikki Little and participated through Jim Haskins, manager. Exhibit 1 was received into evidence.

**ISSUE:**

Did the claimant voluntarily quit employment for 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 part-time as a lead shift manager beginning July 24, 2007, and was separated from employment on January 10, 2015, when he quit because he had obtained a full-time job with benefits. The claimant gave approximately two weeks' notice to manager Jim Haskins and also provided a written letter of resignation. (Exhibit 1)

Continued work was available. The claimant left employment with Nash-Finch to accept other employment as a welder at a steel manufacturing company in which he could work full-time and receive benefits. He started his new position on January 12, 2015, after his last day of work at Nash-Finch on January 10, 2015.

The claimant's original claim date for this claim for unemployment benefits was February 15, 2015, one month after he started his new, full-time position. During the hearing, the claimant stated that he was still employed full-time with All Steel, the employer for whom he left Nash-Finch to obtain better employment.

The claimant has not filed either weekly job search reports or weekly benefit claims. He has not received weekly benefits. The claimant has been employed full time since January 12, 2015.

## 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.

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 section 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.

Iowa Admin. Code r. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that

sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

The separation was without good cause attributable to the employer. The claimant has retained his full-time position with the new employer since January 12, 2015, two days after he resigned his position with the employer in this claim, and as such has not been available for other work. In addition, a claimant is not entitled to benefits for a period beginning earlier than the date the original claim was filed, which in this case was February 15, 2015.

**DECISION:**

The March 20, 2015, (reference 01) decision is affirmed. The claimant voluntarily left part-time employment in order to accept full-time employment. He has not been available for other work due to his ongoing, full-time employment. Benefits are denied. The account of the employer shall not be charged.

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Kristin A. Collinson  
Administrative Law Judge

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Decision Dated and Mailed

kac/pjs