

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMBER D SHOAF
Claimant

APPEAL NO. 12A-UI-06024-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEEF PRODUCTS INC
Employer

OC: 10/23/11
Claimant: Respondent (2)

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Beef Products, Inc. filed a timely appeal from an unemployment insurance decision dated May 17, 2012, reference 05, that allowed benefits to Amber D. Shoaf upon a finding that she had been laid off for lack of work. After due notice was issued, a telephone hearing was held July 11, 2012, on a consolidated record with 12A-UI-05648-AT.

ISSUE:

Was the claimant's separation from employment a disqualifying event?

FINDINGS OF FACT:

Amber D. Shoaf resigned from employment with BPI, Inc. on April 13, 2012, in order to accept other employment with Tyson Foods. She has not requested unemployment insurance benefits since the separation.

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.

According to the section of the Iowa Code set forth above, an individual who resigns from employment for the sole purpose of accepting other employment is not automatically disqualified for benefits upon leaving the first employment. The first employer, however, is relieved of charges for any benefits that may be paid, since it continued to have work available for the individual. The individual's eligibility for benefits is determined at the time that the second employment comes to an end. For the moment, Ms. Shoaf is not requesting benefits and appears, from all available evidence, to be employed at this time.

DECISION:

The unemployment insurance decision dated May 17, 2012, reference 05, is reversed. The claimant left work voluntarily to accept other employment. Her eligibility for benefits will be determined at the time the new employment ends. No benefits shall be charged to the account of Beef Products, Inc.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw