

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON E MCDANIEL
Claimant

APPEAL NO: 14A-UI-12374-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRI-TECH CONSTRUCTION
Employer

OC: 11/02/14
Claimant: Appellant (4)

Iowa Code § 96.5(1)a – Quit for Other Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's appealed a representative's November 26, 2014 (reference 02) determination that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit for reasons that do not qualify him to receive benefits. The claimant contacted the Appeals Bureau after the scheduled hearing time but in time to participate at the December 18, 2014. The employer responded to the hearing notice but was not available for the hearing.

On December 22 the employer contacted the Appeals Bureau to explain why she had not been available. The administrative was unable to talk to the employer until December 30. On December 30 the employer explained why she had not been available for the hearing. The employer only wanted to explain why she was not available; the employer did not want the hearing reopened.

Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit this employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in February 2006. He worked full time as a pipe fitter and welder. The claimant joined the union. The claimant quit working for the employer because the union assigned him to another contractor that paid more money. The claimant worked for the employer until mid-September. He immediately started working for another contractor.

The claimant did not establish a claim for benefits until the week of November 2, 2014. The claimant is part of an apprenticeship program. The union requires him to attend several training courses during the year. The claimant attended a week of mandatory training through the union the week of November 2. He understood that when he was in training, he received benefits and no employer's account would be charged.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. When a claimant quits to accept other employment, he is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

The claimant quit after he accepted other employment that he began immediately. Based on the evidence, the claimant is qualified to receive benefits as of November 2, 2014. The employer's account will not be charged.

DECISION:

The representative's November 26, 2014 (reference 02) determination is modified in the claimant's favor. The claimant quit for other employment. Therefore, as of November 2, 2014 the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

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