

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHAWN FINDLEY

Claimant

APPEAL NO. 14A-UI-11976-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRAND ENERGY SOLUTIONS LLC

Employer

OC: 10/05/14

Claimant: Appellant (4)

Iowa Code § 96.5-1 - Voluntary Quit
871 IAC 23.43(5) – Voluntary Quit – Other Employment

STATEMENT OF THE CASE:

Shawn Findley (claimant) appealed an unemployment insurance decision dated November 12, 2014, (reference 02), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Brand Energy Solutions, LLC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 10, 2014. The claimant participated in the hearing. The employer participated through Job Superintendent Harry Rogers.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked as a full-time maintenance technician from May 8, 2014, through October 3, 2014, when he quit to accept work with Collis, Inc. He started work with Collis on October 5, 2014, and was discharged on October 6, 2014, after he broke his wrist outside of work.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code § 96.5(1). An exception is if the individual left in good faith for the sole purpose of accepting other employment, which the claimant did accept, and from which the

claimant is separated, before or after having started the new employment. See 871 IAC 24.28(5). The claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the employer's account shall not be charged.

DECISION:

The unemployment insurance decision dated November 12, 2014, (reference 02), is modified in favor of the appellant. The claimant voluntarily left his employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer's account shall not be charged.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs