

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CLAYTON E GRASHORN**  
Claimant

**APPEAL NO. 11A-UI-12308-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GUNDERSON RAIL SERVICES LLC**  
Employer

**OC: 08/14/11**  
**Claimant: Respondent (4)**

Section 96.5-1-a – Quit for Other Employment  
Section 96.6-2 – Timely Protest

**STATEMENT OF THE CASE:**

Gunderson Rail Services filed a timely appeal from an unemployment insurance decision dated September 8, 2011, reference 02, that allowed benefits to Clayton E. Grashorn but which did not relieve the employer of charges. The decision ruled that the employer's protest had been untimely. After due notice was issued, a telephone hearing was held October 12, 2011, with Mr. Grashorn participating. Reina Gonzalez, a claims specialist for Employer's Edge, testified. The employer was represented by Sandra Linsin of Employer's Edge.

**ISSUES:**

Has the employer filed a timely protest?

What are the unemployment insurance consequences of the separation from employment?

**FINDINGS OF FACT:**

Clayton E. Grashorn was employed by Gunderson Rail Services LLC from June 2010 until he resigned July 6, 2011, to accept new employment with H & H Trailer Company. He performed services for that company prior to being laid off.

He filed a claim for unemployment insurance benefits effective August 14, 2011. On August 16, 2011, the Agency mailed a notice of claim to Gunderson Rail Services. The Agency sent the notice of claim to Gunderson's corporate headquarters in Portland, Oregon. Beginning in June of 2010, Gunderson Rail Services had sent instructions to the Agency that correspondence should be sent in care of Employer's Edge in Westminster, Colorado, instead of to the corporate headquarters. The Agency had not yet updated its records. The employer's notice of claim was delayed because the Agency did not send it to the company's last-known address.

**REASONING AND CONCLUSIONS OF LAW:**

The first step in analysis is to determine if the protest can be accepted as timely. The administrative law judge concludes that it can, because the delay was the fault of the Agency in not updating the employer's address. See 871 IAC 24.35.

The remaining question concerns the unemployment insurance consequences of Mr. Grashorn's resignation on July 6, 2011, to accept other employment. Iowa Code section 96.5-1-a deals with this situation. The effect of the law is that Mr. Grashorn's separation from employment with Gunderson Rail Services is not a disqualifying event, but it is an event that allows Gunderson to be relieved of charges.

**DECISION:**

The unemployment insurance decision dated September 8, 2011, reference 02, is modified. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. No benefits shall be charged to the account of Gunderson Rail Services.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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