

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUBEN M PARRILLA
Claimant

APPEAL NO. 11A-UI-14342-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OMAHA COLD STORAGE TERMINALS INC
Employer

OC:10/09/11
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of a representative dated October 25, 2011, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 29, 2011. The claimant did not respond to the hearing notice and did not participate. Employer participated by Alissa Olson, Office Manager, and Theresa Sabaliauskas, Controller. The record consists of the testimony of Alissa Olson and the testimony of Theresa Sabaliauskas.

ISSUE:

Whether the claimant was separated from his employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer's business is processing and cold storage. The claimant worked for the employer's location in Fort Dodge, Iowa. The name of the business was Fort Dodge Ice & Cold. The claimant was hired on April 4, 2002, as a processing supervisor.

On August 29, 2011, Fort Dodge Ice & Cold was sold to BHJ USA, Inc. The claimant transferred with the business to the new owner and has continued to work for the new owner.

REASONING AND CONCLUSIONS OF LAW:

The representative concluded that the claimant was eligible for benefits because he was laid off on August 29, 2011. The evidence at hearing showed that the claimant, in effect, quit his job with the employer to work for the new owner of the business—BHJ USA, Inc. There was no interruption at all with the claimant's employment. He went seamlessly from one employer to another when the business was sold. There was no layoff. The claimant is not eligible for unemployment insurance benefits for the simple reason that he has not been unemployed.

DECISION:

The decision of the representative dated October 25, 2011, reference 02, is reversed. The claimant is presently employed by a new employer and is not eligible for unemployment insurance benefits. His separation from this employer (335388) was a voluntary quit for purposes of accepting new employment.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

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