

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROSS E NAUGHTON
Claimant

APPEAL NO. 16A-UI-10568-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAN LYNCH CONSTRUCTION INC
Employer

**OC: 08/28/16
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Ross Naughton (claimant) appealed a representative's September 26, 2016, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Dan Lynch Construction (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 12, 2016. The claimant participated personally. The employer participated by Dan Lynch, Owner; Nicole Lynch, Vice President, and David Shramek, Carpenter.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 20, 2014, as a full-time carpenter. On or about June 10, 2016, the claimant told the employer he was quitting on June 24, 2016, to take another job at Ryan Company. The claimant worked through June 24, 2016. He started working at Ryan Company on June 29, 2016.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after his separation from work.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

The claimant left his position with the employer to work for another employer. When an employee quits work to take other employment, he is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. He voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

DECISION:

The representative's September 26, 2016, decision (reference 02) is reversed. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because he quit to take other employment. The employer will not be charged.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs