

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SCOTT MADISON
Claimant

N & W TRANSFER INC
Employer

APPEAL 20A-UI-11659-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/22/20
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the September 18, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on November 9, 2020, at 2:00 p.m. Claimant participated. Employer participated through Sandy Hobscheidt, Office Manager. Claimant's Exhibits A and B were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time Over-the-Road Truck Driver from 2015 until his employment with N & W Transfer ended on July 12, 2020. Claimant quit his employment with N & W Transfer to accept other employment with Inroads Asphalt, Paving and Material. Claimant performed work for Inroads. There was continuing work available to claimant at N & W Transfer. Claimant's employment with N & W Transfer was not in jeopardy.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit to accept other employment. Benefits are allowed provided claimant is otherwise eligible. Employer's account shall not be charged.

Iowa Code section 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.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. 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. No charge shall accrue to the account of the former voluntarily quit employer.

Even though the separation was without good cause attributable to employer and would, standing alone, disqualify claimant from receiving benefits, claimant did quit in order to accept other employment and performed services for the subsequent employer. Therefore, benefits are allowed and employer's account shall not be charged.

DECISION:

The September 18, 2020 (reference 01) unemployment insurance decision is modified in favor of appellant. Claimant voluntarily quit in order to accept other employment. Benefits are allowed provided claimant is otherwise eligible. Employer's account (# 600487-000) shall not be charged.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

November 23, 2020
Decision Dated and Mailed

acw/mh