

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSH S STATON**

Claimant

**APPEAL NO: 12A-UI-13989-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WIELAND & SONS LUMBER CO**

Employer

**OC: 10/07/12**

**Claimant: Appellant (4)**

Section 96.5-1-a – Voluntary Quit/Other or Better Employment

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated November 8, 2012, reference 01, that held he voluntarily quit employment without good cause attributable to the employer on June 8, 2012, and benefits are denied. A telephone hearing was held on December 26, 2012. The claimant participated. Michelle Porter, HR representative, participated for the employer.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having considered the stipulation of the parties and having considered the evidence in the record, finds: Claimant began employment on September 22, 2010 and last worked for the employer as a full-time lumber stacker on June 8, 2012. Claimant accepted employment at Permeate Refining LLC (ER#503434) and began work on June 13. This employer reported second-quarter 2012 claimant earnings of \$1,669.00 and third-quarter earnings of \$7,810.00. Claimant last worked about October 6 and this employer did not protest his employment separation.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The administrative law judge concludes that the claimant voluntarily quit employment for other/better employment effective June 8, 2012. He worked for Permeate Refining LLC (ER#503434) and had earnings for the second (\$1,669.00) and third (\$7,810.00) quarters of 2012 from this employer. This employer did not protest his unemployment claim.

The claimant is eligible for benefits, and no employer's account is charged for payment of benefits.

**DECISION:**

The department decision dated November 8, 2012, reference 01, is modified. The claimant voluntarily quit with good cause attributable to the employer on June 8, 2012, for better/other employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer (no employer) is not liable for benefits paid to the claimant.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/bjc