

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES HEIST
Claimant

ANALYTICS OPTIONS LLC
Employer

APPEAL 16A-UI-02872-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/07/16
Claimant: Respondent (4)

Iowa Code § 96.5(1) – Voluntary Leaving –Layoff

STATEMENT OF THE CASE:

The employer filed an appeal from the March 1, 2016 (reference 03) unemployment insurance decision that allowed benefits but did not charge the employer's account (Account number 563347). The parties were properly notified about the hearing. A telephone hearing was held on March 29, 2016 and was consolidated with 16A-UI-02873-H2T. Claimant participated. Employer participated through Joshua Davis, COO. Employer's Exhibit One was entered and received into the record.

ISSUE:

Is the employer's account subject to charge?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant left Analytics Options, LLC to begin employment with the new company McCormick Contracting.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere. The claimant did work for the subsequent employer.

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.

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.

The claimant did leave in order to accept other employment with the new employer and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer (563347) shall not be charged.

DECISION:

The March 1, 2016 (reference 03) decision is modified in favor of the appellant. The claimant left Analytics Options in order to accept other employment at McCormick Contracting. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 563347) shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/can