

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSH J DAVIS**  
Claimant

**APPEAL NO. 10A-UI-05819-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RUAN TRANSPORT CORP**  
Employer

**OC: 02/22/09**  
**Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.1(113)a – Layoff  
Section 96.3-7 – Benefit Overpayment

**STATEMENT OF THE CASE:**

Employer filed a timely appeal from a representative's decision dated April 7, 2010, reference 02, which found the claimant eligible to receive unemployment insurance benefits beginning February 7, 2010 finding that the claimant's unemployment was due to a short-term layoff. After due notice, a telephone conference hearing was held on June 4, 2010. The claimant participated personally. The employer participated by Mr. Doug Aden, Terminal Manager and Ms. Lee Oney, Human Resource Representative.

**ISSUE:**

At issue is whether the claimant was eligible for unemployment insurance benefits during a layoff period and whether the claimant subsequently left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Josh Davis was employed by Ruan Transport Corporation beginning on January 31, 2005. Mr. Davis was employed as a full-time local driver and was paid by the hour. On February 7, 2010, the claimant was laid off by the company due to lack of business for a one-week period. Mr. Davis resumed his employment with the company on February 14, 2010 and continued to work for the company until March 10, 2010 when he voluntarily quit his employment to accept other full-time employment with Conway Freight Company. The claimant began with Conway Freight and earned wages from that employer.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 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.

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

Based upon the evidence in the record the administrative law judge finds Mr. Davis was laid off work from February 7, 2010 through February 14, 2010 and was eligible to receive unemployment insurance benefits during the layoff period providing that he met all other eligibility requirements. Mr. Davis returned to work on February 14, 2010 and continued to be employed by the company until March 10, 2010 when he left to accept other full-time employment. The claimant's reason for leaving employment at that time was not attributable to the employer but based upon the claimant's personal desire to improve his status by accepting employment that he considered to be a betterment of pay or working conditions.

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.

Based upon the evidence in the record the administrative law judge concludes that the claimant was eligible to receive unemployment insurance benefits during the period of his short-term layoff from February 7, 2010 through February 14, 2010. The claimant's separation from employment that took place on March 10, 2010 was for the sole purpose of accepting other or better employment which Mr. Davis did accept and in which he performed services for the new employer. Benefits relating to wage credits earned with Ruan Transportation shall be charged to the Unemployment Compensation Fund. The claimant is not subject to a benefit disqualification based upon leaving employment for the sole purpose of accepting other or better employment.

**DECISION:**

The representative's decision dated April 7, 2010, reference 02, is affirmed as modified. The portion finding that the claimant was eligible to receive unemployment insurance benefits beginning February 7, 2010 based upon a temporary layoff is affirmed. The determination is modified to find that the claimant voluntarily quit work on March 10, 2010 for the sole purpose of accepting other or better employment which the claimant accepted and performed services. The claimant is not subject to a benefit disqualification on the separation from employment. Any benefits payable relating to wage credits earned with Ruan Transportation shall be charged to the Unemployment Compensation Fund.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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