

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON S SPERRY
Claimant

APPEAL NO: 11A-UCX-00050-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

POLK COUNTY
Employer

**OC: 11/06/11
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Jason S. Sperry (claimant) appealed a representative's December 20, 2011 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Polk County (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 19, 2012. The claimant participated in the hearing. Michael Campbell appeared on the employer's behalf and presented testimony from one other witness, Joseph Simon. During the hearing, Employer's Exhibit One and Claimant's Exhibits A and B were entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a disqualifying reason?

OUTCOME:

Modified. Benefits allowed; employer's account relieved of charge.

FINDINGS OF FACT:

The claimant started working for the employer on November 27, 2006. He worked full time as a detention officer in the employer's jail. His last day of work was September 16, 2011. He submitted a notice of voluntary resignation on September 12, 2011, effective September 16. His stated reason for quitting was to accept employment with an out of state employer.

The claimant did begin that new employment on September 25, 2011. He worked through October 28, 2011. His employment in the new employment was then terminated due to a failure to be able to meet a physical requirement. He was paid wages in that new employment.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge.

The claimant did voluntarily quit in order accept a bona fide offer of other employment into which he did enter and did work. The claimant is not disqualified from receiving benefits as a result of his quit from the employer in this case, but the employer's account will not be charged.

DECISION:

The representative's December 20, 2011 decision (reference 01) is modified in favor of the claimant. The claimant voluntarily left his employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided he is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css