

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAIME J BENITEZ**

Claimant

**APPEAL NO: 11A-UI-16196-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**

Employer

**OC: 10/02/11**

**Claimant: Appellant (2)**

Iowa Code § 96.5(1)a – Voluntary Quit for Other Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 14, 2011 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Sarah Fiedler, the claims administrator, appeared on the employer's behalf. During the hearing Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working at a job the employer assigned to him on June 7, 2011. The claimant informed the employer when he started the assignment; he would be looking for other work as an engineer.

In early September the claimant interviewed for a job at John Deere. John Deere personnel informed the claimant he was hired and would start working on September 19, 2011. The claimant understood he had to pass a drug test and a background test.

After the claimant accepted the job at John Deere, he gave the employer a two-week notice. The employer understood the claimant quit because he accepted other employment. The claimant informed the employer he would work until September 15, but he actually worked until September 13.

When the claimant reported to work at John Deere on September 19, he learned John Deere had withdrawn the job offer. The claimant's background check did not meet John Deere's standards. (Claimant Exhibit A.)

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is qualified to receive unemployment insurance benefits if he voluntarily quits employment because he has accepted other employment. The employer's account is not subject to charge when a claimant quits for another job. Iowa Code § 96.5(1)a. A claimant is eligible to receive benefits when he voluntarily quits for the purpose of accepting another job, accepts the new job offer, but is separated from the new job before or after stating the new job. 871 IAC 24.28(5).

Based on the facts and applicable law, the claimant is eligible to receive benefits as of October 2, 2011. The employer's account will not be charged.

**DECISION:**

The representative's December 14, 2011 determination (reference 01) is reversed. The claimant voluntarily quit his employment after he accepted another job. Even though the new employer withdrew the job offer, the claimant is qualified to receive benefits as of October 2, 2011. The employer's account will not be charged.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/css