

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSE A MALDONADO GUZMAN**  
Claimant

**APPEAL NO. 12A-UI-06687-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEEF PRODUCTS INC**  
Employer

**OC: 10/23/11**  
**Claimant: Respondent (4)**

Section 96.5-1-a – Quit for Other Employment

**STATEMENT OF THE CASE:**

Beef Products, Inc. filed a timely appeal from an unemployment insurance decision dated May 11, 2012, reference 08, that allowed benefits to Jose A. Maldonado Guzman upon a finding that he had been laid off for lack of work on March 26, 2012. After due notice was issued, a telephone hearing was held July 10, 2012 on a consolidated record with 12A-UI-05643-AT.

**ISSUES:**

Was the claimant's separation a layoff or a quit?

Was the separation a disqualifying event?

Was the separation an event that relieves the employer of charges for benefits?

**FINDINGS OF FACT:**

Jose A. Maldonado Guzman voluntarily left employment with Beef Products, Inc. on April 27, 2012 to accept other employment with the City of Cedar Falls. He has not requested or received unemployment insurance benefits since his separation from employment with Beef Products, Inc.

**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 evidence in this record establishes that the claimant left work voluntarily for the sole purpose of accepting other employment. According to the statute, the separation from the first employer, Beef Products, Inc., was not a disqualifying event; but it was an event that relieves Beef Products, Inc. of liability for benefits that may be paid to the claimant. The claimant either remains employed or for whatever reason chooses not to file weekly claims.

**DECISION:**

The unemployment insurance decision dated May 11, 2012, reference 08, is modified. The separation was a quit for other employment rather than a layoff. This employer shall not be charged with benefits paid to the claimant. Since the claimant is not presently requesting benefits, a ruling on his eligibility would be premature.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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