

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICHARD E HEISHMAN**  
Claimant

**APPEAL NO: 12A-UI-03413-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SCHOON CONSTRUCTION INC**  
Employer

**OC: 02/26/12**  
**Claimant: Respondent (4)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's April 2, 2012 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because while on a layoff the claimant informed the employer he would not be returning to work. The claimant participated in the hearing. Leo Kotz, the human resource director, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits and the employer's account will not be charged.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits or was he temporarily laid him off from work?

**FINDINGS OF FACT:**

The claimant started working for the employer in May 2011. The claimant worked as a full time laborer and equipment operator. The claimant worked at various job sites in Iowa. The last job was more than an hour from the claimant's residence. When the employer did not have work, the claimant was placed on a temporary layoff on February 17, 2012. The employer planned to call the claimant back to work in April.

The claimant has a close family member who is ill. The claimant decided he did not want to work too far from his residence if the family member suddenly needed him. The claimant started looking for a job that allowed him to work closer to his residence. On February 28, Van Wyk Freight Lines offered the claimant a job. The claimant accepted the offer. He informed the employer that same day he was not returning to work when the employer called him back to work. The claimant told the employer he could not return because he wanted work that was closer to his family member. The claimant started working at Van Wyk Freight Lines on March 12, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5(1), (2)a. When a claimant quits because he has accepted another job, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

This case is complicated by the fact the claimant was laid off on February 17. The employer expected to call him back to work in April. Within ten days of being laid off, the claimant was offered and accepted a job with another employer. The claimant did not let the employer know he would not be returning back to work until he secured another job. The claimant did not establish a claim for benefits until the week of February 26, 2012. Based on the facts in this case, the claimant quit his employment for another job. Therefore, the claimant is qualified to receive benefits and the employer's account will not be charged.

**DECISION:**

The representative's April 2, 2012 determination (reference 02) is modified in the employer's favor. Based on the facts in this case, the claimant voluntarily quit his employment on February 28, 2012, the same day he accepted a job with another employer. Therefore, the claimant remains qualified to receive benefits and the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs