

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SCHUYLER C TRIPP
Claimant

SWIFT PORK COMPANY
Employer

APPEAL 19A-UI-05090-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/19/19
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1)a – Voluntary Quitting/Other Employment

STATEMENT OF THE CASE:

On June 24, 2019, the claimant filed an appeal from the June 13, 2019, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was discharged from employment for violation of a known company rule. The parties were properly notified of the hearing. A telephonic hearing was held on July 19, 2019. The claimant, Schuyler C. Tripp, participated. The employer, Swift Pork Company, did not register a telephone number at which to be reached and did not participate in the hearing. Claimant's Exhibits A and B were received and admitted into the record without objection.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a production employee, from November 28, 2016, until May 17, 2019, when he quit his employment to accept a new job.

Claimant was offered a position by Tabitha Wymer to work for TNT Services as a production employee. Claimant's job duties included cleaning, painting, and maintenance on recently vacated rental properties. Claimant earned \$20.00 per hour in this position, and he worked fewer hours than he worked at Swift Pork.

Claimant worked in this position for approximately one week before he separated from employment. This separation has not yet been analyzed by the agency.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant quit his employment with Swift Pork Company to accept other employment.

Iowa Code § 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 § 96.8, subsection 5.

Iowa Admin. Code r. 871-24.28 provides:

The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43 provides:

The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

In this case, claimant quit his employment with Swift Pork Company voluntarily. He did this for the sole purpose of accepting new employment with TNT Services. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The June 13, 2019, (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 275457) shall not be charged.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn