

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JAMES E RANDALL JR  
900 S WALNUT LOT 19  
OTTUMWA IA 52501**

**SHADE TREE SERVICE CO  
520 S HIGHWAY DR  
PO BOX 708  
FENTON MO 63026-0708**

**Appeal Number: 04A-UI-04865-DWT  
OC 11/02/03 R 03  
Claimant: Appellant (4)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

James E. Randall, Jr. (claimant) appealed a representative's April 14, 2004 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Shade Tree Service Company (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 24, 2004. The claimant participated in the hearing. Jacinda Ricks, the accountant, appeared on the employer's behalf. 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 his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in 1998. He worked as a foreman full time. The claimant accepted a job with another employer. His last day of work for the employer was March 31, 2004. The claimant started working for his new employer in early April 2004.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. However, when a claimant quits because he has accepted other or better employment, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code §96.5-1-a. The claimant quit after he agreed to work for another employer and did. Under these facts, the claimant is qualified to receive unemployment insurance benefits as of March 28, 2004. The employer's account will not be charged.

DECISION:

The representative's April 14, 2004 decision (reference 02) is modified in the claimant's favor. The claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of March 28, 2004, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account will not be charged.

dlw/kjf