

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KYLE G BARNES**

Claimant

**APPEAL NO. 12A-UI-05113-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL PLAINS DIESEL SERVICE INC**

Employer

**OC: 03/25/12**

**Claimant: Respondent (4)**

Iowa Admin. Code r. 871-23.43(9)a – Combined Wage Claim Transfer of Wages

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

**STATEMENT OF THE CASE:**

The employer filed an appeal from the April 25, 2012 (reference 03) decision that did not relieve the employer's account of benefit charges on the combined wage claim. After due notice was issued, a hearing was held by telephone conference call on May 23, 2012. Claimant did not respond to the hearing notice instructions and did not participate. Employer participated through company president Dennis Zubrod.

**ISSUE:**

Can the Iowa employer can be relieved of benefit charges on the combined wage claim?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a laborer from in May 2011 and was separated from employment on September 1, 2011. He was hired as part-time seasonal help over the summer and the employer exhausted the work it had for him. He had another job lined up in Elk Point, South Dakota with Thermobond Buildings when he left the employment.

Claimant filed a combined wage claim in South Dakota but earned wages from this Iowa employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant quit for no disqualifying reason and the employer is relieved of benefit charges.

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.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment. Accordingly, benefits are allowed and the account of the employer shall not be charged.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

Since employer would be relieved of charges based upon this fact scenario in an Iowa claim, it shall be relieved of charges on this combined wage claim. Claimant's qualification and eligibility shall be determined by the state in which the claim was filed.

**DECISION:**

The April 25, 2012 (reference 03) decision is modified in favor of appellant. The account of the employer (account number 284338) shall not be charged. Claimant's qualification and eligibility shall be determined by the state in which the claim was filed.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs