

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT J STROHMAN
Claimant

APPEAL NO: 13A-UI-00937-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOHERTY STAFFING SOLUTIONS
Employer

OC: 12/09/12
Claimant: Appellant (4)

Section 96.5-1-a – Voluntary Quit/Other or Better Employment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 16, 2013, reference 03, that held he voluntarily quit employment without good cause attributable to the employer on November 17, 2012, and benefits are denied. A telephone hearing was held on March 13, 2013. The claimant participated. Glenda Niemiec, UI Assistant, and Kim Johnson, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the stipulation of the evidence in the record finds: The claimant last worked for the employer on November 17, 2012. The claimant quit to accept employment at Polaris Industries (ER#314332) that he began on November 19 and worked until December 12, 2012. The department record shows Polaris paid wages to claimant \$1,689.00 for the fourth quarter of 2012.

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 administrative law judge concludes that the claimant voluntarily quit employment with good cause due to leaving for better employment effective November 17, 2012.

The department record shows claimant started work at Polaris two days after he left the employer and he was paid wages until December 12.

DECISION:

The department decision dated January 16, 2013, reference 03, is modified. The claimant voluntarily quit with good cause attributable to the employer on November 17, 2012, for better employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer is not liable for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll