

**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**

**JOHN L PORTER
13697 V ST
OMAHA NE 68137-2908**

**CROSSROADS OF WESTERN IOWA
ONE CROSSROADS PL
MISSOURI VALLEY IA 51555**

**Appeal Number: 06A-UI-07618-DT
OC: 06/11/06 R: 01
Claimant: Respondent (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, 4th 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 is 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Crossroads of Western Iowa (employer) appealed a representative's July 18, 2006 decision (reference 01) that concluded John L. Porter (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 15, 2006. The claimant participated in the hearing. Amy Ebsen 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.

FINDINGS OF FACT:

The claimant started working for the employer on December 12, 2005. He worked part time as a residential supervisor in the employer's program providing services to persons with disabilities. His last day of work was on or about April 28, 2006.

Approximately mid-April 2006, the claimant had provided his supervisor with his two-week notice of quitting, as he had accepted a new job more in his profession to begin May 1, 2006, which job he did in fact begin working. After discussion with his supervisor, the claimant agreed that he would continue to participate in the employer's program on a very limited basis for a special baseball season with one client. It would be approximately an hour or two one night per week beginning in late May or early June. However, by the end of May the claimant had not gotten a copy of the baseball schedule, so by the time he got the schedule, it was too late for him to change his work schedule, and he was unable to follow through on his intent to provide the services to the client for that period. As a result, the employer ended the claimant's remaining position for job abandonment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

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 claimant did voluntarily quit in order accept other employment. While he had intended in good faith to continue his part time employment with the employer in the limited role, he was ultimately unable to do so primarily due to the new employment. The claimant is not disqualified from receiving benefits as a result of this quit in the event of a future separation from employment, but the employer's account will not be charged.

DECISION:

The representative's July 18, 2006 decision (reference 01) is modified in favor of the employer. The claimant voluntarily left his employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided he is otherwise eligible. The employer's account will not be charged.

ld/kjw