

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

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WEYERHAEUSER COMPANY
c/o EC4-ID3
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FEDERAL WAY WA 98063-9777

Appeal Number: 06A-UI-08029-DWT
OC: 07/16/06 R: 02
Claimant: Appellant (2/R)

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-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

Robert Ingoli (claimant) appealed a representative's August 8, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Weyerhaeuser 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 August 24, 2006. The claimant responded to the hearing notice, but was not available for the 8:00 a.m. hearing. David Hayes participated on the employer's behalf.

The claimant contacted the Appeals Section at 8:30 a.m. The employer had already been excused from the hearing. The claimant did not request that the hearing be reopened if a decision could be made based on information in the administrative record. Based on the

administrative record 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 on May 9, 2005. The claimant worked full time. On June 14, 2006, the claimant informed the employer he was quitting effective immediately because he had accepted other employment. When the employer asked the claimant to give a week's notice, the claimant agreed. The claimant worked on June 15, but did not return to work again. The claimant then worked three days for Old Dutch Foods before this employment ended.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. When a claimant quits because he has accepted other employment, the claimant is not disqualified from receiving benefits and the employer's account will not be charged for benefits paid to the claimant. Iowa Code § 96.5-1-a. The record indicates the claimant quit working for the employer because he accepted other employment. Therefore, based on the reasons for his employment separation from the employer, the claimant is not disqualified from receiving benefits and the employer's account will not be charged.

Even though the claimant only worked three days for Old Dutch Foods, the reason for this employment separation is remanded to the Claims Section to investigate and issue a written decision.

DECISION:

The representative's August 8, 2006 decision (reference 01) is reversed. The claimant voluntarily quit working for the employer after he accepted other employment. Based on the reasons for this employment separation, the claimant is qualified to receive benefits as of July 16, 2006, provided he meets all other eligibility requirements. The employer's account will not be charged. The issue of whether the claimant's employment separation from Old Dutch Foods is for disqualifying or nondisqualifying reasons is remanded to the Claims Section to investigate and issue a written decision.

dlw/pjs