

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TYLER J HOLTHAUS**  
Claimant

**APPEAL NO. 19A-UI-00485-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
Employer

**OC: 12/16/18  
Claimant: Respondent (4)**

Section 96.5-1 - Voluntary Quit  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

L A Leasing (employer) appealed a representative's January 10, 2019, decision (reference 01) that concluded Tyler Holthaus (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 1, 2019. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment service. The claimant performed services off and on from April 20, 2018, through August 24, 2018. On August 24, 2018, the claimant quit work to take regular, non-temporary employment. Continued work was available had the claimant not resigned. The claimant performed work for the new employer until December 18, 2018.

The claimant filed for unemployment insurance benefits with an effective date of December 16, 2018. He received no unemployment insurance benefits after his separation from employment. The employer participated personally at the fact finding interview on January 9, 2019, by Colleen McGuinty.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after his separation from work.

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

The claimant left his position with the employer to work for another employer. When an employee quits work solely to take other employment and performs work for the new employer, he is not disqualified from receiving unemployment insurance benefits. The claimant quit work and worked at a regular, non-temporary job. He voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

**DECISION:**

The representative's January 10, 2019, decision (reference 01) is modified in favor of the appellant. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because he quit to take other employment. The employer will not be charged.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs