

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALAN D WELTHA
Claimant

APPEAL NO: 10A-UI-10529-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CENTRAL IOWA TRANSIT INC
Employer

OC: 06/13/10
Claimant: Respondent (4)

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

STATEMENT OF THE CASE:

The employer appealed a department decision dated July 21, 2010, reference 02, that held the claimant voluntarily quit employment with good cause attributable to the employer due to a job change on June 11, 2010, and benefits are allowed. A telephone hearing was held on September 10, 2010. The claimant participated. John Grzywacz, President, participated for the employer.

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 evidence in the record, finds: The claimant was hired as a school bus driver by Central Iowa Transit in September 2005. Sometime afterwards, Central Iowa Transit lost the contract with the Ames Community School District that ended claimant's school bus driving. The claimant did some motor coach driving and his wages were reported under the Central Iowa Transit tax account thru the third quarter of 2009. Since the bulk of Central Iowa Transit business had been discontinued with the Ames Community School District, CIT Charters moved the driver payroll to its tax account. John Grzywacz is the president of both companies.

The department tax records show the employer last reported claimant wages in the third quarter of 2009, and then began reporting claimant wages under CIT CHARTERS INC (er#370335) in the latter period of the third 2009, and thereafter. The record is that the claimant continued employment with CIT up to June 11, 2010 (See 10A-UI-10528-ST).

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 left for other employment in September 2009 when the employer transferred the report of his taxable wage to the account of CIT Charters Inc.

The claimant is eligible for benefits by reason of the employment/wage transfer, and the employer is relieved of liability.

DECISION:

The department decision dated July 21, 2010, reference 02, is modified. The claimant voluntarily left for other employment in September 2009. Benefits are allowed, provided the claimant is otherwise eligible. The employer is relieved of liability for this claim.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs