

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**THOMAS E DUFFY**  
Claimant

**APPEAL 21A-UI-09368-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING INC**  
Employer

**OC: 02/14/21  
Claimant: Appellant (4)**

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Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.5(1)a – Voluntary Quitting/Other Employment

**STATEMENT OF THE CASE:**

On March 30, 2021, the Claimant filed an appeal from the March 25, 2021, (reference 02) unemployment insurance decision that denied benefits based on a determination that the claimant voluntarily quit employment. The parties were properly notified about the hearing. A telephone hearing was held on June 9, 2021. Claimant Thomas Duffy, participated. Employer participated through Colleen McGuinty.

**ISSUE:**

Did the claimant quit the employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on or about August 5, 2020. Claimant last worked as a full-time laborer. Claimant was separated from employment on October 23, 2020, when he voluntarily quit to accept employment with a different employer, Cascade Manufacturing. The claimant remains employed by Cascade Mfg.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

Iowa Code § 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 § 96.8, subsection 5.

Iowa Admin. Code r. 871-24.28 provides:

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.

Iowa Admin. Code r. 871-23.43 provides:

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. No charge shall accrue to the account of the former voluntarily quit employer.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

## DECISION

The March 25, 2021, (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 237958-000) shall not be charged.



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June 23, 2021  
Decision Dated and Mailed

jd/scn