

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK R SHEA
Claimant

APPEAL NO. 12A-UI-05649-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEEF PRODUCTS INC
Employer

**OC: 10/23/11
Claimant: Respondent (4)**

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Beef Products, Inc. filed a timely appeal from an unemployment insurance decision dated May 9, 2012, reference 02, that ruled that Patrick R. Shea had become unemployed as the result of a business closure. After due notice was issued, a telephone hearing was held July 11, 2012 with Jennifer Stubbs participating for the employer. Mr. Shea did not provide a telephone number at which he could be contacted. Exhibit One was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Patrick R. Shea was employed by Beef Products, Inc. from October 14, 2008 until January 13, 2012. He last worked as a Quality Assurance Inspector. He voluntarily resigned to accept other employment.

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 evidence in this record establishes that Mr. Shea voluntarily left employment for the sole purpose of accepting other employment. According to the statute, his separation from employment with Beef Products, Inc. was not a disqualifying event, but it was an event that relieves the employer of charges for any benefits that may be payable to Mr. Shea. Since he is not currently requesting unemployment insurance benefits, his eligibility will be determined at the point his present employment ends.

DECISION:

The unemployment insurance decision dated May 9, 2012, reference 02, is modified. The claimant left work voluntarily to accept other employment. His eligibility for benefits will be determined at the time his present employment ends. No benefits shall be charged to the account of Beef Products, Inc.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs