

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LLOYD D UITERMARKT**  
Claimant

**APPEAL NO. 14A-UI-05827-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**VAN GORP CORPORATION**  
Employer

**OC: 02/23/14**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated May 28, 2014, reference 02, which denied unemployment insurance benefits finding that the claimant voluntarily left employment on April 24, 2014 without good cause. After due notice was provided, a telephone hearing was held on June 30, 2014. The claimant participated. The employer participated by Ms. Jill Baze, Human Resource Specialist and Ms. Dorsha Moyer, Production Superintendent.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer and whether the employer's account is chargeable.

**FINDINGS OF FACT:**

Having considered all the evidence in the record, the administrative law judge finds: Lloyd Uitermarkt was employed by Van Gorp Corporation from November 29, 2004 until June 6, 2005 when he voluntarily left employment for the sole purpose of accepting new employment that paid more. Mr. Uitermarkt was employed as a full-time welder for the company and was paid by the hour. His immediate supervisor was Ms. Dorsha Moyer.

The claimant left his employment with Van Gorp Corporation in order to accept full-time employment with P K Concrete Company of Pella, Iowa. Mr. Uitermarkt considered the new employment to be a betterment of employment because it paid a higher rate per hour. The claimant began employment for P K Concrete Company and performed services for the new employer.

**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 § 96.8, subsection 5.

The evidence in the record establishes that Mr. Uitermarkt left his employment with Van Gorp Corporation for the sole purpose of accepting higher paying employment with P K Concrete Company. The evidence establishes that Mr. Uitermarkt accepted the new employment and performed services for the new employer.

Under the provisions of Section 96.5-1-a, the claimant is not subject to a benefit disqualification for voluntarily leaving employment for a better full-time job. Benefits related to wage credits earned with Van Gorp Corporation shall be charged to the Unemployment Compensation Fund shall not be chargeable to Van Gorp Corporation.

**DECISION:**

The representative's decision dated May 28, 2014, reference 02, is reversed. The claimant voluntarily left the employment for the sole purpose of accepting new full-time employment which he did accept and did perform services for the new employer. The claimant's leaving took place under non-disqualifying conditions and Van Gorp Corporation shall not be charged for benefits related to wage credits earned while employed by Van Gorp Corporation. The benefits shall be charged to the Unemployment Compensation Fund.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

css/css