

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEPHTHA VESTAL
Claimant

APPEAL 21A-UI-07707-WG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAPPEL IMPLEMENT CO INC
Employer

**OC: 10/25/20
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.28(5) – Quit for Other Employment
Iowa Admin. Code r. 871-23.43(5) – Quit for Other Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 3, 2021, (reference 03) unemployment insurance decision that denied benefits based upon his voluntary quit for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on May 14, 2021. The claimant, Jephtha Vestal, participated and testified. The employer, Cappel Implement Company, Inc., participated through its co-owner, Trent Cappel.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time with the employer from May 4, 2020, until this employment ended on May 15, 2020, when he voluntarily quit.

On May 15, 2020, claimant spoke with management at Cappel Implement and notified the employer he had obtained another job that paid higher wages and was a better opportunity for claimant. The employer accepted claimant's resignation and May 15, 2020 was claimant's last day of work. Mr. Vestal began working for Atlantic Glass Company on May 26, 2020. Unfortunately, he was subsequently laid off by Atlantic Glass Company in August 2020 due to reduced work availability during the ongoing pandemic.

Mr. Vestal testified that his resignation and separation from Cappel Implement was voluntary and that the sole reason for his quit was to accept work at Atlantic Glass Company. The employer confirmed that there was no alternate reason given by claimant for his voluntary quit. I find that Mr. Vestal voluntarily quit his position with Cappel Implement Company, Inc. for the sole purpose of accepting another, higher paying position with Atlantic Glass Company. I find

that Mr. Vestal began work as an employee at Atlantic Glass Company on May 26, 2020 and was subsequently laid off by that company in August 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment for the sole reason 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(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.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. 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.

Claimant left his position with the employer to accept another full time position. Claimant worked at his new job from May 26, 2020, until he was separated from employment in August 2020. 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 before being separated from the new employment. Accordingly, benefits are allowed, provided the claimant is otherwise eligible, and the account of the employer shall not be charged.

DECISION:

The February 3, 2021, (reference 03) 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 shall not be charged.



William H. Grell
Administrative Law Judge

May 21, 2021
Decision Dated and Mailed

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