

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CARLA M VALLELLANES
Claimant

JPJ 1 LLC
Employer

APPEAL 16A-UI-11237-SC
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/18/16
Claimant: Appellant (4-R)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Carla M. Vallellanes (claimant) filed an appeal from the October 7, 2016, (reference 02) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment with JPJ 1, LLC (employer) to accept new employment but never worked in her new employment which is not a good cause reason attributable to the employer. The parties were properly notified about the hearing. A hearing was held at 9:00 a.m. in Des Moines, Iowa on November 10, 2016. The claimant participated personally and through interpreter Rachel Albin. The employer participated through Owner Operator Pat O'Dell and Crew Chief Jeff Patton. Claimant's Exhibit A and Employer's Exhibit 1 were received.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a Crew Member beginning in 2016, and was separated from employment with the employer on September 3, 2016, when she quit.

Pat O'Dell owns and operates two different Culver's locations, one being the employer and the other being JPJ 2, LLC. The administrative record shows that they are two distinct employers as each as their own employer number with Iowa Workforce Development. The employer's account number is 541282 and JPJ 2, LLC's account number is 541284.

The claimant asked O'Dell to transfer to JPJ 2, LLC at the end of August 2016. She quit work on September 3, 2016 to accept a position at JPJ 2, LLC. The claimant worked for JPJ 2, LLC for approximately three weeks before her employment ended.

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 law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(2)a. However, if the individual voluntarily quits for the sole purpose of accepting other employment, then the individual shall be eligible for benefits based on wage credits with the employer but the wage credits shall be charged to the unemployment compensation fund and not the employer. Iowa Code § 96.5(1)a; Iowa Admin. Code r. 871-24.28(5) and 871-23.43(5).

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 October 7, 2016 (reference 02) decision is modified in favor of the appellant. The claimant voluntarily left employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 541282) shall not be charged.

REMAND:

The issue of the claimant's separation from JPJ 2, LLC (employer account number 541284) is remanded to the Benefits Bureau for an initial investigation and determination.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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