

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DIANDRA M COOKE**  
Claimant

**APPEAL NO: 09A-UI-16222-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MENARD INC**  
Employer

**OC: 07/12/09**  
**Claimant: Appellant (4)**

Section 96.5-1-g – Voluntary Quit/Re-Qualification

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated August 14, 2009, reference 01, that held she voluntarily quit employment without good cause attributable to the employer on June 21, 2009, and benefits are denied. A telephone hearing was held on December 3, 2009. The claimant participated. Tiffany Neeley, Attorney, participated for the employer. Official Notice of the claimant's resignation was taken in this matter.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having accepted the stipulation of the evidence by the claimant and employer, and having considered the evidence in the record, finds: The claimant gave two week notice to the employer on June 6 that June 21, 2009, would be her last day. The employer accepted the claimant's resignation from employment, and she worked her notice period.

After leaving the employer, the claimant continued in her employment at Hawkeye Transport (#367015), where she earned ten times her weekly benefit amount prior to her separation from that employment and filing her July 12, 2009 claim for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1-g 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:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to her employer (Menard), but has re-qualified for benefits by earning ten times her weekly benefit amount with Hawkeye Transport (#367015).

The claimant and the employer stipulated to the facts and decision in this case. The claimant voluntarily quit her job at Menard without good cause on June 21, 2009, but she worked at Hawkeye Transport where she re-qualified for benefits by earning ten times her weekly benefit amount. The claimant is eligible for benefits, and Menard's account is not charged.

**DECISION:**

The department decision dated August 14, 2009, reference 01, is modified in favor of the claimant. The claimant voluntarily quit without good cause attributable to the employer on June 21, 2009, but re-qualified for benefits by earning sufficient wages with Hawkeye Transport. Benefits are allowed, provided the claimant is otherwise eligible. Menard Inc is not liable for benefits paid to the claimant.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs