

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CANDACE J DALCHOW**  
Claimant

**APPEAL NO. 11A-UI-13685-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MIDDLETOWN REPAIR**  
Employer

**OC: 09-04-11**  
**Claimant: Respondent (4)**

Iowa Code § 96.5(1)a – Voluntary Leaving/Other Employment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the October 5, 2011, reference 02, decision that allowed benefits. After due notice was issued, a hearing was held on November 10, 2011. The claimant did participate. The employer did participate through Audrey Dalchow, Co-Owner.

**ISSUE:**

Did the claimant voluntarily quit her employment without 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 as an office clerical worker part time beginning in 2005 through July 15, 2011 when she voluntarily quit to work for another employer, Mississippi Market Place. The employer in this case is the claimant's parents' business. She had been working part time for this employer as well as another. When she accepted a third job she could not continue working for this employer as she simply had no time to do so. Continued work was available.

**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 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 section 96.8, subsection 5.

871 IAC 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.

871 IAC 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.

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 at Mississippi Market Place and did perform services for the subsequent employer. Accordingly, benefits are allowed (provided the claimant is otherwise eligible) and the account of the employer shall not be charged.

**DECISION:**

The October 5, 2011 (reference 02) decision is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 253159) shall not be charged.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs