

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICKIE S WENDEL**  
Claimant

**APPEAL NO. 09A-UI-05486-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KERRY INC**  
Employer

**OC: 12/07/08**  
**Claimant: Appellant (4)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Vickie Wendel (claimant) appealed a representative's March 31, 2009 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Kerry (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 5, 2009. The claimant participated personally. The employer participated by Heather Damro, Human Resources Representative, and Jim Muggler, Production Manager.

**ISSUE:**

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 29, 2007, as a full-time production team member. The claimant quit work on March 5, 2009, to take other employment with Manske's. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after her separation from work.

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 section 96.8, subsection 5.

The claimant left her position with the employer to work for another employer. When an employee quits work to take other employment, she is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. She voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

**DECISION:**

The representative's March 31, 2009 decision (reference 02) is modified in favor of the appellant. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because she quit to take other employment. The employer will not be charged.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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