

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES R FULLICK
Claimant

APPEAL NO: 11A-UI-06366-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

OC: 12/05/10
Claimant: Respondent (4)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Target Corporation (employer) appealed a representative's April 29, 2011 decision (reference 04) that concluded James R. Fullick (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 10, 2011. The claimant participated in the hearing. Jess Veimet appeared on the employer's behalf and presented testimony from one other witness, Rae Feddersen. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a disqualifying reason?

FINDINGS OF FACT:

The claimant started working for the employer on November 3, 2009. He worked part time (approximately 15 hours per week) as a logistics team member at the employer's Clinton, Iowa store, working from 6:00 a.m. to approximately 10:00 a.m. three days per week. His last day of work was January 7, 2011. He voluntarily quit as of that date.

The claimant had been offered and accepted an offer of full-time employment with another employer. On January 3, 2011 he informed the employer that he had accepted the other employment and would be leaving his job with the employer; a last date of work was not firmly established but would be within two weeks. The claimant started his new employment on January 4, 2011, working on the second shift. He worked both jobs through January 7, 2011, but as doing so was proving to be difficult, the employer agreed that January 7, 2011 could be his last day of work and waived the remaining notice period.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a

voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a.

The claimant did voluntarily quit in order to accept a bona fide offer of other employment, into which he did enter and work. The claimant is not disqualified from receiving benefits as a result of his quit from the employer in this case, but the employer's account will not be charged.

DECISION:

The representative's April 29, 2011 decision (reference 04) is modified in favor of the employer. The claimant voluntarily left his employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided he is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs