

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

HOLLIE C REBHUHN
2442 – 33RD ST
MOLINE IL 61265

VON MAUR INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-00331-DT
OC: 11/30/03 R: 04
Claimant: Respondent (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Von Maur, Inc. (employer) appealed a representative's January 5, 2004 decision (reference 02) that concluded Hollie C. Rebhuhn (claimant) was qualified to receive unemployment insurance benefits after a separation from employment and that the employer's account was subject to charge. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 3, 2004. The claimant participated in the hearing. Gayle Haun appeared on the employer's behalf. During the hearing, Claimant's Exhibit A was entered into evidence. 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.

FINDINGS OF FACT:

The claimant started working for the employer on October 7, 2002. She worked full time as an executive trainee in the operations division of the employer's Davenport, Iowa corporate office. Her job responsibilities dealt with assisting new and remodeled stores in getting set up and opening. Her last day of work was November 14, 2003

The claimant and the employer knew at least as of March 28, 2003 that the claimant's job duties would be completed as of November 14. The employer did not clearly or sufficiently in advance communicate that it anticipated that after November 14 the claimant would be moved into some other aspect of the employer's retail operation still within her trainee position; the claimant understood as of October 3 that the employer might consider her for a retail department manager, but did not understand that the employer was contemplating an automatic transfer into a retail position for further executive training.

Not knowing what her employment situation would be after November 14, on November 3 the claimant accepted a new job with another employer to begin on November 17. On November 4 the employer indicated to the claimant it intended to move her to a retail management position for further training, and the claimant responded that beyond the fact that she was not particularly interested in a long-term career in retail as compared to design, she had already accepted the other employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

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 did voluntarily quit in order accept other employment. The claimant is not disqualified from receiving benefits as a result of this quit in the event of a future separation from employment, but the employer's account will not be charged.

DECISION:

The representative's January 5, 2004 decision (reference 02) is modified in favor of the claimant. The claimant voluntarily left her employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged.

ld/b