

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA GUERRA
Claimant

APPEAL NO. 10A-UI-12867-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVENTURE LANDS OF AMERICAN INC
Employer

OC: 08/01/10
Claimant: Appellant (4)

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Amanda Guerra, filed an appeal from a decision dated September 3, 2010, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 5, 2010. The claimant participated on her own behalf and was represented by Iowa Legal Aid in the person of Veronica Kirk. The employer, Adventure Lands of America, Inc., participated by Chef Jo Reese

ISSUE:

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

FINDINGS OF FACT:

Amana Guerra was employed by Adventureland from July 24, 2009 until July 22, 2010 as a part-time buffet and banquet worker. On July 22, 2010 she gave a verbal resignation to Chef Jo Reese. The claimant had found a better-paying job at LaQuercia. Ms. Guerra accepted the job at the new employer and worked there until August 4, 2010.

REASONING AND CONCLUSIONS OF LAW:

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 quit for the sole purpose of accepting a better-paying job with another company. She did accept the job and worked for the new employer. Under the provisions of the above Code section she is requalified.

DECISION:

The representative's decision of September 3, 2010, reference 03, is modified in favor of the appellant. Amanda Guerra is qualified for benefits, provided she is otherwise eligible. The account of Adventureland will not be charged with benefits paid to the claimant after July 22, 2010.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css