

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BECKY S WEBSTER
Claimant

APPEAL NO. 07A-UI-06284-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DEZI'S QUICK SHOP
Employer

**OC: 03/18/07 R: 02
Claimant: Appellant (2)**

Section 96.5(1)a – Quit for Other Employment

STATEMENT OF THE CASE:

Becky Webster filed an appeal from a representative's decision dated June 18, 2007, reference 03, which denied benefits based on her separation from Dezi's Quick Shop. After due notice was issued, a hearing was held by telephone on July 10, 2007. Ms. Webster participated personally and Exhibit A was admitted on her behalf. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Webster was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Webster was employed by Dezi's Quick Shop from April 23 until May 15, 2007 as a full-time cashier. She voluntarily quit the employment when she was offered full-time work with Wal-Mart. The job offer was conditioned on her successfully passing a drug screen and background check. The offer was rescinded because Ms. Webster did not take have the drug screen within 24 hours as required. She was not told there was a deadline and did not read the fine print on the document given her by Wal-Mart. By the time she learned she could not start the new job, she had been replaced in her former job.

REASONING AND CONCLUSIONS OF LAW:

Ms. Webster left her employment with Dezi's Quick Shop in good faith for the sole purpose of accepting work with Wal-Mart within the meaning of Iowa Code section 96.5(1)a. Exhibit A establishes that there was, in fact, an offer from Wal-Mart. Ms. Webster was separated from the new employment before it started. Under such circumstances, a claimant is not disqualified from receiving job insurance benefits. See 871 IAC 24.28(5). Pursuant to section 96.5(1)a, the employer's account is relieved of charges.

DECISION:

The representative's decision dated June 18, 2007, reference 03, is hereby reversed. Ms. Webster left her employment in good faith for the sole purpose of accepting other work but was separated from the new employment before it started. Benefits are allowed, provided she satisfies all other conditions of eligibility, but shall not be charged to Dezi's Quick Shop.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw