

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHY M DALESKE
Claimant

APPEAL NO. 11A-UI-16505-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

K MART CORP
Employer

**OC: 09/11/11
Claimant: Appellant (4)**

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Cathy Daleske, filed an appeal from a decision dated December 21, 2011, reference 04. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 26, 2012. The claimant participated on her own behalf. The employer, K Mart, participated by Human Resources Manager Mary Beyer. Exhibit A was admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Cathy Daleske was employed by K-Mart from October 6 until November 18, 2011 as a part-time cashier. She submitted a written resignation to Human Resources Manager Mary Beyer and said she had accepted a full-time job with another company. She began that employment on December 1, 2011, after completing the pre-hiring requirements and continues to work there through the date of the hearing.

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 full-time job with another company. She did work for the new employer. Under the provisions of the above Code section, disqualification may not be imposed.

DECISION:

The representative's decision of December 21, 2011, reference 04, is modified in favor of the appellant. Cathy Daleske is qualified for benefits, provided she is otherwise eligible. The account of K-Mart shall not be charged with benefits paid after November 18, 2011.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css