

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENNIS A ANDERSON
Claimant

APPEAL NO. 09A-UI-16332-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

**Original Claim: 09/27/09
Claimant: Appellant (2)**

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Dennis A. Anderson filed a timely appeal from an unemployment insurance decision dated October 27, 2009, reference 02, that disqualified him for benefits. After due notice was issued, a telephone hearing was held November 30, 2009, with Mr. Anderson participating. The employer, Wal-Mart Stores, Inc., did not respond to the hearing notice.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Dennis A. Anderson was hired as a part-time cashier by Wal-Mart Stores, Inc. on or about December 5, 2008. At the time he was hired, he was told that his hours would average a minimum of 22 per week. After the Christmas season, however, his hours dropped to an average of 13 to 15 per week. This led Mr. Anderson to seek and find another job with Tim's Tunnel Wash. He resigned from Wal-Mart because of the new job. He would not have done so but for the new job.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant left work with good cause attributable to the employer. It does.

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 evidence here persuades the administrative law judge that the claimant resigned in order to accept other employment. According to the statute, the separation does not disqualify the claimant for benefits. Nevertheless, it relieves the employer, Wal-Mart Stores, Inc., of charges for those benefits.

DECISION:

The unemployment insurance decision dated October 27, 2009, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. Benefits shall not be charged to the account of Wal-Mart Stores, Inc.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw