

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PENNY ALLGOOD

Claimant

APPEAL 20A-UI-09717-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

Employer

OC: 04/05/20

Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 6, 2020, (reference 02) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on September 22, 2020. The claimant, Penny Allgood, participated and testified. The employer, Casey's Marketing Company, participated through store manager, Stacie Hargrave.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a cook from June 18, 2012, until this employment ended on November 18, 2019, when she voluntarily quit.

Claimant provided a two week notice of her intent to resign to her supervisor, Stacie Hargrave, at Casey's Marketing Company. Claimant resigned to accept other employment and performed services for that employer. Claimant left Casey's Marketing Company on good terms. Continued work was available had claimant not resigned.

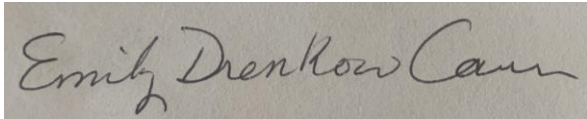
REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment to accept employment elsewhere. Iowa Code § 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. Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of Casey's shall not be charged.

DECISION:

The August 6, 2020 (reference 02) unemployment insurance decision is reversed. Claimant voluntarily left employment without good cause attributable to the employer but in good faith for the sole purpose of accepting other or better employment, and performed services in the new employment. Benefits are allowed provided the claimant is otherwise eligible. The account of the employer shall not be charged.

A handwritten signature in dark ink on a light-colored rectangular background. The signature is cursive and reads "Emily Drenkow Carr".

Emily Drenkow Carr
Administrative Law Judge

September 30, 2020
Decision Dated and Mailed

ed/mh