

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY E CLEMENTS
Claimant

APPEAL NO: 12A-UI-08811-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THOMAS L CARDELLA & ASSOCIATES INC
Employer

OC: 06/10/12
Claimant: Appellant (4)

Iowa Code § 96.5(1)a – Voluntary Quit for Other Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 12, 2012 determination (reference 04) that disqualified her from receiving benefits and held the employers' account exempt from charge. The claimant participated in the hearing. David Thompson, a TALX representative, appeared on the employer's behalf. The employer's witness was called, but he was not available for the hearing. A message was left for the employer's witness to contact the Appeals Section immediately if he wanted to participate in the hearing. The employer's witness did not contact the Appeals Section. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant's is qualified to receive benefits and the employer's account will not be charged.

ISSUE:

Did the claimant voluntary quit this employment because she accepted employment with another employer?

FINDINGS OF FACT:

The employer rehired the claimant in early January 2012 as a full-time sales person for a Wells Fargo program. After the claimant learned Infinity Contact, Inc. would hire her, she gave the employer a two-week notice. The claimant did not work until the end of her two-week notice because her son became ill. The claimant's last day of work for the employer was January 17, 2012. The claimant started working for Infinity Contact, Inc. a short time later.

When the claimant worked for the employer before, she quit because she accepted employment with Yellowbook, Inc.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits because she has accepted employment with another employer, she is not

disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

Since the claimant quit because she accepted other employment, she is qualified to receive benefits.. The employer's account will not be charged for either period of employment. The claimant quit working for the employer in late 2011 because she went to work for Yellowbook, Inc. Even if the claimant had quit for reasons that would not qualify her to receive benefits, she earned requalifying wages before the employer rehired her in January 2012.

DECISION:

The representative's July 12, 2012 determination (reference 04) is modified in the claimant's favor. The clamant voluntarily quit because she accepted employment with another employer. Therefore, based on her most recent employment with the employer she is qualified to receive benefits. The employer's account will not be charged for benefits based on the claimant's current employment or her previous employment.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css