

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY WOODS

Claimant

APPEAL NO: 09A-UI-16327-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

LENSCRAFTERS INC

Employer

OC: 09-20-09

Claimant: Respondent (4)

Section 96.5-1 a – Voluntary Leaving – Other Employment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 21, 2009, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 7, 2009. The claimant participated in the hearing with former Dispensing Optician Rosalinda Jay. Brad Orendorff, General Manager and Tom Kuiper, Employer Representative, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment to accept employment elsewhere.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time sales supervisor from March 21, 2000 to August 4, 2009. Continued work was available. She left her employment with Lenscrafters to accept other employment at Penmatcha Ophthalmologists. She was promised full-time employment at the subsequent employer but after three weeks was told that would not be possible due to the economy.

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 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.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, she did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of Lenscrafters shall not be charged.

DECISION:

The October 21, 2009, reference 02, decision is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of this employer shall not be charged.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs