

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A GODFREY
Claimant

APPEAL NO: 12A-UI-07513-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 06/03/12
Claimant: Appellant (4)

Section 96.5-1-a – Voluntary Quit/Other or Better Employment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 20, 2012, reference 01, that held the claimant voluntarily quit employment without good cause attributable to the employer on May 17, 2012, and which denied benefits. A telephone hearing was held on July 18, 2012. The claimant participated. Karla Poldberg, store manager, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time cook, with some cashier duties from May 17, 2010 to May 17, 2012. The claimant left the employer to go to work at Bertch Cabinet (ER# 140081) beginning May 21, 2012. The department record shows Bertch reported taxable wages for claimant in the amount of \$1,517 for the 2nd quarter of 2012. Claimant filed his unemployment claim due to a layoff from Bertch Cabinet.

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 administrative law judge concludes that the claimant voluntarily left for other/better employment effective May 17, 2012 to go to work at Bertch Cabinet (ER# 140081).

The claimant is eligible for benefits by reason of leaving for other employment, which is confirmed by the department record. No employer's account is charged for benefits.

DECISION:

The department decision dated June 20, 2012, reference 01, is modified. The claimant voluntarily left for other/better employment on May 17, 2012. Benefits are allowed, provided the claimant is otherwise eligible. No employer is liable for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw