

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KARENA SENTORE
Claimant

KWIK TRIP INC
Employer

APPEAL 21A-UI-13940-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/21/21
Claimant: Appellant (4R)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment
Iowa Code § 96.5(1)a – Voluntary Quitting/Other Employment

STATEMENT OF THE CASE:

On June 10, 2021, claimant Karena Sentore filed an appeal from the June 8, 2021 (reference 01) unemployment insurance decision that denied benefits based on a determination that claimant quit her employment with Kwik Trip, Inc., for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held at 1:00 p.m. on Friday, August 13, 2021. The claimant, Karena Sentore, participated. The employer, Kwik Trip, Inc., participated through Bambi Blaess, Store Leader. No exhibits were admitted into the record. The administrative law judge now takes official notice of the administrative record.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began her employment with Kwik Trip, Inc., on August 30, 2016. Claimant's most recent job title with the employer was a full-time guest service co-worker. Claimant last reported to work on December 20, 2020. Her employment ended that date because she quit.

On or about December 6, 2020, claimant gave Blaess two weeks' notice that she would be ending her employment. Claimant had found a better job at employer Car Freshener in DeWitt, Iowa. Claimant would earn more money working at Car Freshener, and she would only have to work four days each week instead of five days. Continued work was available with the employer, had claimant not quit her employment.

Claimant went on to work for Car Freshener in the first quarter of 2021. She subsequently separated from Car Freshener and went to work for employer Data Dimensions. The administrative record does not show that decisions have been issued regarding claimant's separation from either of these employers.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant quit her employment to accept other employment. Benefits are allowed, and the account of this employer shall not be charged.

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 § 96.8, subsection 5.

Iowa Admin. Code r. 871-24.28 provides:

The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43 provides:

The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

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 employer Kwik Trip, Inc., shall not be charged.

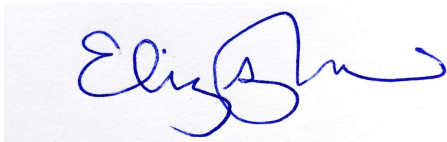
Whether claimant is eligible for benefits based on her later separations from Car Freshener and from Data Dimensions must be determined by the Benefits Bureau after a fact-finding interview.

DECISION:

The June 8, 2021 (reference 01) unemployment insurance decision is modified in favor of the claimant/appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of employer Kwik Trip, Inc. (account number 116702) shall not be charged.

REMAND:

The issues of claimant's eligibility for benefits based on her separation from employer Car-Freshener Corporation (account number 317933) and from employer Data Dimensions Corp. (account number 206006) are remanded to the Benefits Bureau for fact-finding interviews and initial determinations.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

August 17, 2021
Decision Dated and Mailed

lj/kmj