

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NANCY S JENNINGS
Claimant

APPEAL NO. 13A-UI-02863-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WESTAR FOODS INC
Employer

OC: 01/13/13
Claimant: Appellant (4)

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Nancy Jennings, filed an appeal from a decision dated March 8, 2013, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 8, 2013. The claimant participated on her own behalf. The employer, Westar, participated by District Manager Aaron Langer and was represented by Unemployment Insurance Services in the person of Jeff Oswald.

ISSUE:

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

FINDINGS OF FACT:

Nancy Jennings was employed by Westar Foods from May 9, 2011 until January 9, 2013 as a part-time biscuit maker. She had requested more hours or duties from District Manager Aaron Langer but nothing materialized.

In December 2012 Ms. Jennings began working a seasonal job for Home Appliance Center doing inventory. She was offered a regular full-time job with more hours and wages which she accepted. She notified a shift leader, Gloria, she would be quitting at some unspecified date in the future and on January 9, 2013, announced that would be her last day.

She continued working for Home Appliance Center but was laid off on February 6, 2013.

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.

Ms. Jennings quit without good cause attributable to Westar for the sole purpose of accepting what she believed to be a full-time job with another employer. She did work for the new employer until being laid off. Under the provisions of the above Administrative Code section, this is voluntary quit without good cause attributable to the employer, but the claimant requalified by accepting the other job and working for the new employer.

DECISION:

The representative's decision of March 8, 2013, reference 02, is modified in favor of the appellant. Nancy Jennings is qualified for benefits, provided she is otherwise eligible. The account of Westar Foods shall not be charged with benefits paid after January 9, 2013.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs