

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY L SIMMERS
Claimant

APPEAL NO. 12A-UI-07980-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLLAR GENERAL
Employer

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

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Tracy Simmers, filed an appeal from a decision dated July 2, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 31, 2012. The claimant participated on her own behalf. The employer, Dollar General, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Tracy Simmer was employed by Dollar General from November 22, 2008 until April 11, 2012 as a full-time assistant manager. She had been offered a job at the local Dairy Queen on March 28, 2012, and accepted the job on April 10, 2012. The next day, she submitted a written resignation to Dollar General and began the new job on April 16, 2012 and worked until June 4, 2012.

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 claimant quit for a sole purpose of accepting another job which she did accept and did work for the new employer. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified. But, since she quit to accept another job which she did accept, she has requalified for unemployment benefits. The account of Dollar General shall not be charged with benefits paid to the claimant.

DECISION:

The representative's decision of July 2, 2012, reference 01, is modified in favor of the appellant. Tracy Simmers is qualified for benefits, provided she is otherwise eligible. The account of Dollar General shall not be charged with benefits paid to the claimant after April 11, 2012.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw