

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERYL S PROENNEKE**  
Claimant

**APPEAL NO. 10A-UI-17345-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAC INC**  
Employer

**OC: 11/07/10**  
**Claimant: Appellant (4)**

Section 96.5(1)a – Quit/Other Employment

**STATEMENT OF THE CASE:**

The claimant, Sheryl Proenneke, filed an appeal from a decision dated December 15, 2010, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 1, 2011. The claimant participated on her own behalf. The employer, DAC, Inc., participated by Human Resources Director Kelly Schurbert.

**ISSUE:**

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

**FINDINGS OF FACT:**

Sheryl Proenneke was employed by DAC, Inc., from May 4 until September 24, 2010 as a part-time service staff person. She gave a written and verbal resignation to Tina in the Human Resources department on September 3, 2010, stating that she needed to take care of her ex-husband. The actual reason was that she was applying for another job and hoped to be hired. The claimant stated her last day of work would be September 24, 2010.

On her last day of work the claimant was offered the job for which she had applied and began working for the new employer October 4, 2010, and continued through November 8, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

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 section 96.8, subsection 5.

The claimant quit work for the sole purpose of applying for another job, which she had been offered and accepted by the time her notice period was over. She worked for the new employer after her separation from DAC, Inc., but prior to filing a claim for unemployment benefits.

Under the provisions of the above Code section, she has requalified for benefits but the employer's account will not be charged.

**DECISION:**

The representative's decision of December 15, 2010, reference 02, is modified in favor of the appellant. Sheryl Proenneke is qualified for benefits, provided she is otherwise eligible.

The account DAC, Inc., will not be charged with benefits paid to the claimant after September 24, 2010.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs