

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANDA D YOUNG
Claimant

APPEAL NO. 11A-UI-11322-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**“AMERICAN BLUE RIBBON HOLDINGS
LLC
“VILLAGE INN & BAKERS SQUARE**
Employer

**OC: 07/10/11
Claimant: Appellant (2)**

Section 96.5-1-a – Voluntary Quit/New Job

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated August 25, 2011, reference 04, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on September 21, 2011. Claimant participated personally. Although duly notified the employer did not participate.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Shanda Young was employed by Village Inn as a part-time server for approximately one month before she voluntarily left her employment on February 25, 2011 to accept previously secured full-time, permanent employment with Great Clips. The claimant was trained and had extensive experience as a hair dresser and accepted the new employment because she considered it to be a better job with better pay.

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 question is whether the evidence in the record establishes the existence of a bona fide offer of employment that Ms. Young accepted before resigning from Village Inn. It does. Ms. Young left her employment with Village Inn solely for the purpose of going to work full time for the new employer, Great Clips. Based upon the claimant's extensive experience in the occupational field and her training, Ms. Young reasonably considered the new employment to be a betterment of work and pay and the claimant provided notice to Village Inn before leaving.

Based upon the application of the facts to the law, the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits and benefits related to wage credits the claimant earned with Village Inn shall be charged to the Unemployment Compensation Fund.

DECISION:

The representative's decision dated August 25, 2011, reference 04, is reversed. Claimant left employment under non disqualifying conditions for the sole purpose of accepting previously secured full-time, permanent employment with a new employer. Wage credits earned with Village Inn shall be charged to the Unemployment Compensation Fund.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs