

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHELIA G LOUINEAU**  
Claimant

**APPEAL 15A-UI-13857-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 11/15/15  
Claimant: Appellant (4)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 14, 2015, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 19, 2016. Claimant participated. Employer participated through assistant manager, Eric Oth. Employer exhibit one was admitted into evidence with no objection.

**ISSUE:**

Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a cake decorator from April 24, 2009, and was separated from employment on April 17, 2015, when she quit.

Claimant wrote a note and gave it to the human resources department informing the employer her last day would be April 17, 2015. Employer Exhibit One. Claimant gave the note to human resources a week prior to her quit date. The employer accepted her resignation. The employer let claimant finish out the week. Claimant had a job lined up with the new Salvation Army Store when she gave her resignation notice. Claimant started with the Salvation Army Store on April 27, 2015. Claimant is still working for the Salvation Army Store. When she started with the Salvation Army in April 2015, claimant was full time, now she is part time.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

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(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) 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(5) provides:

(5) Sole purpose. 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.

Claimant quit her job with the employer effective April 17, 2015. Prior to giving her resignation, claimant had already secured another job with a different employer (Salvation Army Store). Claimant started performing work with at the Salvation Army Store shortly after separating from the employer. Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify claimant from receiving benefits, claimant did leave in order to accept other employment, the Salvation Army Store, and did perform services for the subsequent employer (Salvation Army Store) but was separated before having started the new employment. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The December 14, 2015, (reference 02) decision is modified in favor of the 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 the employer (WAL-MART STORES INC, account number 168629-000) shall not be charged.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

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