

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANN R KJOS
Claimant

APPEAL NO. 14A-UI-01270-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREENBERG JEWELERS INC
Employer

OC: 01/05/14
Claimant: Appellant (4)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated January 30, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on February 25, 2014, in by telephone conference call. The hearing could not be completed at that time because the claimant had not received a copy of the employer's exhibits. The hearing was rescheduled for March 27, 2014. The claimant participated personally. Employer participated by Howard Kreisberg. The record consists of the testimony of Ann Kjos; the testimony of Howard Kreisberg; and Employer's Exhibits 1-11.

ISSUE:

Whether the claimant voluntarily quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a retail jeweler. The claimant worked at the store located in the Coral Ridge Mall in Coralville, Iowa. The claimant was hired on September 4, 2013. Her last day of work was December 5, 2013. The claimant resigned her position to take employment with Rocky Mountain Chocolate Factory. The claimant did work for this new employer and received earned wages.

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 is eligible for unemployment insurance benefits. The evidence showed that the claimant resigned her position in order to take new employment. She performed services for the new employer. In these circumstances, benefits relating to wage credits earned with this employer, Greenberg Jewelers, shall be charged to unemployment compensation fund.

DECISION:

The decision of the representative dated January 30, 2014, reference 01, is modified in favor of the claimant. Unemployment insurance benefits are allowed if the claimant is otherwise eligible. Wage credits earned with this employer (account number 149115) shall be charged to the unemployment compensation fund.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

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