

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLEEN M THOMPSON
Claimant

APPEAL NO. 06A-UI-10825-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

**OC: 09/24/06 R: 01
Claimant: Respondent (4)**

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The employer, Hy-Vee, filed an appeal from a decision dated October 30, 2006, reference 03. The decision allowed benefits to the claimant, Carleen Thompson. After due notice was issued, a hearing was held by telephone conference call on November 27, 2006. The claimant participated on her own behalf. The employer participated by Human Resources Representative Johnny Saul, Supervisor Jen Hudson and was represented by TALX in the person of David Williams. Store Director Brian Moon observed the proceedings but did not offer testimony.

ISSUE:

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

FINDINGS OF FACT:

Carleen Thompson was employed by Hy-Vee from October 18, 2005 until February 9, 2006. She was a part-time cashier/clerk. At the time of hire she was not guaranteed any minimum number of hours but was told it would depend on the business volume. Her highest number of hours per week was approximately 29 the week of Christmas and the lowest was the two hours she spent in orientation as a new employee.

The claimant never talked with the human resources department or the scheduler to request more hours. She notified Assistant Store Manager Brandon Hauge on February 9, 2006, she was quitting because she had been offered another job.

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 to accept other employment, which she did accept. She performed services for the new employer subsequent to quitting Hy-Vee but prior to filing her claim for benefits. Under the provisions of the above Code section, she had requalified for benefits.

DECISION:

The representative's decision of October 30, 2006, reference 03, is modified in favor of the appellant. Carleen Thompson is qualified for benefits, provided she is otherwise eligible. However, the account of Hy-Vee shall not be charged with benefits paid to the claimant.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css