

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYARIA J RATCLIFF
Claimant

APPEAL NO. 09A-UI-11187-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

A & M CAFE
Employer

**Original Claim: 06/21/09
Claimant: Appellant (2)**

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

Tyaria J. Ratcliff (claimant) appealed a representative's August 3, 2009 decision (reference 03) that concluded she was not qualified to receive benefits, and the account of A & M Café (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 20, 2009. The claimant participated in the hearing. Audrey Reitzler, Merle Reitzler, Amanda Albertson, and Jeri Campbell appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant worked more than ten years for the employer. Prior to her employment separation, she worked as a waitress about 21 hours a week.

The claimant did not believe Merle liked her, which created stress for the claimant. The claimant looked for another job and accepted a job at Newton Family Restaurant. She started working for Newton Family Restaurant on May 17, a day she was not scheduled to work for the employer. The employer knew the claimant planned to move because the employer saved boxes for the claimant for her move.

On May 24, 2009, the claimant informed the employer she was not returning to work. The claimant quit because she had another job at Newton Family Restaurant. If the claimant had not accepted employment with the new employer, she would not have quit on May 24, 2009. The claimant worked about ten days for Newton Family Restaurant.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits employment for other or better employment and performs services for the new employer, the claimant is not disqualified from receiving benefits for quitting and the employer's account is not subject to charge. Iowa Code § 96.5-1-a.

Based on the facts in this case, the claimant is qualified to receive benefits as of June 21, 2009. The she quit only after she obtained other employment. Since the claimant worked for her new employer, Newton Family Restaurant, she is qualified to receive benefits, and the employer's account will not be charged for benefits the claimant may receive.

DECISION:

The representative's August 3, 2009 decision (reference 03) is reversed. The claimant voluntarily quit her employment after she obtained another job. As of June 21, 2009, the claimant is qualified to receive benefits, and the employer's account will not be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw