

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY L WILLIAMS
Claimant

APPEAL NO: 10A-UI-16630-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VENUWORKS OF DAVENPORT LLC
Employer

OC: 05/23/10
Claimant: Respondent (4)

Iowa Code § 96.5-1-a – Voluntary Quit for Other Employment

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's December 1, 2010 determination (reference 06) that held the claimant eligible to receive benefits because she was considered able to and available for work. The claimant participated in the hearing. Brendan Wagner and Alicia Perez appeared on the employer's behalf.

Before the hearing started, the employer clarified that the employer appealed because the claimant no longer works for the employer. The employer was not appealing the claimant's availability for work. Both parties agreed the employment separation issue should be addressed in this decision. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits and the employer's account exempt from charge.

ISSUE:

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

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 23, 2010, but she did not file any weekly claims until the week of October 10, 2010. When the claimant initially established her claim, she had started working for another employer. When this employment went full time in July, the claimant took a leave of absence from the employer during the summer. The claimant tried to work both jobs in September, but it was too much for her to do. The claimant resigned her employment with the employer on September 27, 2010, because she had a full time job.

The claimant reopened her claim during the week of October 10 after her full time job unexpectedly ended on October 7, 2010. The claimant talked to the employer in October but by the time she contacted the employer, other people had been hired to replace her.

Since the claimant reopened her claim in October, she is looking for a full time job. The claimant is interested in hotel and clerical jobs. She has clerical experience.

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. If a claimant quits because she has accepted another full time job, the claimant is not disqualified from receiving benefits and the employer's account is not subject to charge. Iowa Code § 96.5-1-a.

The facts establish the claimant quit this job because she had another full time job. Therefore, this employment separation does not disqualify her from receiving benefits. The employer's account will not be charged.

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4-3. The claimant established that as of October 10, 2010, she is able to and available for work.

DECISION:

The representative's December 1, 2010 determination (reference 06) is modified in the employer's favor. As of October 10, the claimant is eligible to receive benefits because she established she is able to and available for work. The claimant quit working for the employer on September 27, 2010, for reasons that qualify her to receive benefits. As of October 10, 2010, the claimant is qualified to receive benefits based on the reasons for this employment separation. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs