

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRYSTAL HENDERSON**  
Claimant

**APPEAL NO: 14A-UI-02999-E**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEATON INC**  
Employer

**OC: 02/16/14**  
**Claimant: Appellant (4)**

Section 96.5-1 a – Voluntary Leaving – Other Employment

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 10, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held in Cedar Rapids, Iowa, before Administrative Law Judge Julie Elder on May 12, 2014. The claimant participated in the hearing. Kathy Frerichs, Controller, participated in the hearing on behalf of the employer and was represented by Attorney Natalie Ditmars.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment to accept employment elsewhere.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time assistant manager for Burger King from June 2010 to January 19, 2014. Continued work was available. The claimant left employment with Burger King to accept other employment at Coldwater Creek and performed services for that employer.

**REASONING AND CONCLUSIONS OF LAW:**

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

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 § 96.8, subsection 5.

Even though under these circumstances, the separation was without good cause attributable to the employer and might, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of Beaton Inc. shall not be charged.

**DECISION:**

The March 10, 2014, reference 01, decision is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed provided the claimant is otherwise eligible. The account of this employer shall not be charged.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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