

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DAVID J KOFSTAD  
APT 306  
1105 S PROSPECT DR  
TOLEDO IA 52342

DOLGENCORP INC  
DOLLAR GENERAL  
C/O COMP TAX MGR  
PO BOX 34150  
LOUISVILLE KY 40232

Appeal Number: 05A-UI-04750-DWT  
OC: 04/10/05 R: 02  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

David J. Kofstad (claimant) appealed a representative's April 25, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits as of April 10, 2005, and the account of Dollar General (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 24, 2005. The claimant participated in the hearing. Brian Henley, the manager, 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 his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in early January 2004. The claimant worked as a part-time cashier/clerk, stocker. On March 24, 2005, the claimant gave the employer a two-week notice. The claimant planned only to work until April 9, 2005 because he had been offered a job with a construction company. The claimant's last day of work was April 1, 2005. Sometime after April 1, the construction company reneged on its offer of employment. The claimant's last day of work was April 1, 2005. The claimant would not have resigned if he had not accepted another job.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. If a claimant quits because he has accepted an offer of work from another employer, the claimant is not disqualified from receiving unemployment insurance benefits, and the employer's account will not be charged for benefits paid to the claimant. Iowa Code §96.5-1-a.

The facts establish the claimant quit his employment only after another employer offered him a job, which the claimant accepted. Unfortunately, before the claimant began working for the new employer, this employer did not follow through on the claimant's employment and the claimant was left unemployed. 871 IAC 24.28(5). Under these facts, as of April 10, 2005, the claimant is qualified to receive unemployment insurance benefits. The employer's account will not be charged.

DECISION:

The representative's April 25, 2005 decision (reference 01) is modified in the claimant's favor. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits. As of April 10, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. Since the claimant quit after he accepted other employment, the employer's account will not be charged.

dlw/s