

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL D RIDER
Claimant

APPEAL NO: 14A-UI-04592-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 04/06/14
Claimant: Respondent (4)

Section 96.5-1-a – Voluntary Quit/Other or Better Employment

STATEMENT OF THE CASE:

The employer appealed a department decision dated April 24, 2014, reference 01, that held the claimant was not discharged for misconduct on March 6, 2014, and benefits are allowed. A telephone hearing was held on May 21, 2014. The claimant participated. Alisha Weber, UIC for TALX, and Heather Beving, Store Manager, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on July 10, 2013 as a part-time baker, and last worked for the employer as a part-time cook at the A & W business on February 12, 2014.

Claimant left a note for her manager that she had accepted other employment at the Days Inn (Kinseth Hotel Corporation) beginning February 1, 2014. Claimant included information she was working weekends and she requested a change of hours.

Claimant was scheduled part-time hours for February 21, 22 and 23, but she did not report due to a conflict with her other job. The employer erred by failing to enter the employment separation as of February 23, 2014 when claimant failed to report for scheduled work.

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 § 96.8, subsection 5.

The administrative law judge concludes claimant left employment with good cause due to leaving for other employment effective February 23, 2014.

Claimant accepted another job beginning February 1 that was communicated to the employer in a note with a request to change work hours. The reason for the employment separation is claimant chose not to continue work with the employer due to accepting other employment.

DECISION:

The department decision dated April 24, 2014, reference 01, is modified. The claimant voluntarily quit with good cause due to leaving for other/better employment on February 23, 2014. Benefits are allowed, provided the claimant is otherwise eligible. The employer is not liable for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css