

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONYA N KIMBALL
Claimant

APPEAL NO. 06A-UI-11814-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARKETLINK INC
Employer

**OC: 11/05/06 R: 02
Claimant: Appellant (2)**

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Tonya Kimball filed a timely appeal from an unemployment insurance decision dated December 1, 2006, reference 01, that disqualified her for benefits. Due notice was issued for a telephone hearing to be held December 27, 2006. At the time of the hearing, the claimant and the employer, MarketLink, Inc., entered into a stipulation. The administrative law judge also takes official notice of agency wage records.

ISSUE:

Did the claimant leave work for the sole purpose of accepting other employment?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Tonya N. Kimball voluntarily left employment with Marketlink, Inc. in order to accept other employment with National Data Advisors.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Kimball left employment for the purpose of accepting other employment. She did.

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 section 96.8, subsection 5.

The parties have stipulated that Ms. Kimball left employment with Marketlink, Inc. for the sole purpose of accepting other employment with National Data Advisors. Agency wage records establish that Ms. Kimball performed services and received wages from the latter employer. Accordingly, Ms. Kimball's separation from employment with Marketlink, Inc. is not a disqualifying event. Nevertheless, Marketlink shall not be charged with benefits paid to Ms. Kimball.

DECISION:

The unemployment insurance decision dated December 1, 2006, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of Marketlink, Inc.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs