

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

AMY K HITES
1100 UPTON AVE #1
WATERLOO IA 50701

METOKOTE CORPORATION
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-11877-CT
OC: 10/03/04 R: 03
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, 4th 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)a – Quit for Other Employment

STATEMENT OF THE CASE:

Amy Hites filed an appeal from a representative's decision dated October 26, 2004, reference 01, which denied benefits based on her separation from Metokote Corporation. Due notice was issued scheduling the matter for a telephone hearing to be held on November 30, 2004. The employer did not call to provide a telephone number to participate in the hearing. The hearing was informally rescheduled for December 10, 2004. However, based on information submitted by Ms. Hites with her appeal, a hearing was deemed unnecessary.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: Ms. Hites was employed by Metokote Corporation from June 4, 2002 until July 21, 2004 as a part-time production worker. She voluntarily quit the employment to accept full-time work with Jacobson Industrial Services, where she began work on July 22, 2004. Ms. Hites continued in the new employment until September 28, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Hites was separated from employment for any disqualifying reason. She quit her job with Metokote Corporation in good faith for the sole purpose of accepting other employment. Inasmuch as she had performed services in the new employment when she filed her claim for job insurance benefits, no disqualification is imposed pursuant to Iowa Code section 96.5(1)a. Any benefits paid as a result of the decision herein shall not be charged to the account of Metokote Corporation.

DECISION:

The representative's decision dated October 26, 2004, reference 01, is hereby modified. Ms. Hites quit her employment to accept other employment where she performed services. Benefits are allowed, provided she satisfies all other conditions of eligibility, but shall not be charged to the account of Metokote Corporation.

cfc/b