

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSE H VALENZUELA
Claimant

APPEAL NO: 09A-UI-09761-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

PIZZA HUT
Employer

OC: 04/19/09
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 23, 2009, reference 04 (amended) that held he voluntarily quit employment with good cause attributable to the employer on April 5, 2009, and benefits are denied. A telephone hearing was held on July 23, 2009. The claimant participated. Phillip Boone, Payroll Administrator, participated for the employer.

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 testimony, and having considered the evidence in the record, finds: The claimant was hired by the employer as a part-time cook on December 16, 2008, and he last worked on April 5, 2009. The claimant told his manager that he had accepted a better paying job with full-time hours. The claimant was paid \$8.25 per hour as a cook, and he was going to work at a friend's business installing car equipment at \$9.00 per hour. Prior to starting his new job, the car business experienced financial problems and the claimant became unemployed when it could not use him.

The claimant and employer representative stipulated to the leaving for better employment.

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 section 96.8, subsection 5.

The administrative law judge concludes that the claimant voluntarily quit employment for better employment on April 5, 2009. Benefits are allowed for the claimant, and the employer is relieved of liability for the claim.

DECISION:

The department decision dated June 23, 2009 reference 04 (amended) is modified. The claimant voluntarily quit for better employment on April 5, 2009. Benefits are allowed, provided the claimant is otherwise eligible. The employer is relieved of liability for this claim.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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