

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHLEEN WOLFE
Claimant

APPEAL NO: 10A-UI-17189-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LUTHERAN SERVICES IN IOWA INC
Employer

**OC: 11/14/10
Claimant: Appellant (4)**

Iowa Code § 96.5(1)a – Voluntary Quit for Other Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 16, 2010 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing with her attorney, Terry Parsons. The employer responded to the hearing notice, but was not available for the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in March 2008. When the claimant started working, she worked full time as a youth specialist. When the claimant had an opportunity to work full time for another at higher wages, the claimant requested part time instead of full time work for the employer. The claimant started working part time for the employer in March 2010. The claimant then just worked some weekends for the employer.

In October 2010, the claimant submitted her resignation because the other employer had asked her to work also on the weekend and would pay the claimant more money. The claimant worked until the effective day of her resignation, November 15, 2010.

On November 19, after the claimant resigned, the other employer discharged her from all her positions. If the other employer had not offered her additional weekend work at a higher wage, the claimant would not have resigned her job with the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-(1). When a

claimant quits because she has accepted employment with another employer, she is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

The claimant quit her part time job with the employer to work for higher wages for another employer. Based on the facts in this case, the claimant is qualified to receive benefits as of November 14 and the employer's account will not be charged.

DECISION:

The representative's December 16, 2010 determination (reference 02) is modified in the claimant's favor. The claimant voluntarily quit her employment for reasons that qualify her to receive benefits. Therefore, as of November 14, 2010, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs