

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

KARA R BERNAL
Claimant

APPEAL NO. 18A-UI-07457-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

4R VENTURES LC
Employer

**OC: 06/17/18
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Kara Bernal (claimant) appealed a representative's July 11, 2018, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with 4R Ventures (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 30, 2018. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired in August 2012, as a full-time stylist. On or about December 15, 2017, Scissors and Scotch/Plunkett Enterprises approached the claimant about a job. It offered the claimant a position with a permanent schedule. Shortly after, the claimant gave the employer notice of her resignation effective January 5, 2018. The claimant worked through January 5, 2018. Continued work was available had the claimant not resigned.

The claimant worked for Scissors and Scotch/Plunkett Enterprises from January 8, 2018, until approximately June 17, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes benefits are allowed, provided the claimant is otherwise eligible.

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

The claimant left her position with the employer to work for another employer. When an employee quits work to take other employment, she is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment and worked for the new employer. She voluntarily quit without good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible. The employer will not be charged.

DECISION:

The representative's July 11, 2018, decision (reference 02) is reversed. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because she quit to take other employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer will not be charged.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs