

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RALPH O KLINDWORTH
Claimant

APPEAL NO. 12A-UI-10537-SW

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 08/05/12
Claimant: Appellant (2)

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 28, 2012, reference 02, that concluded he voluntarily quit employment without good cause. An in-person hearing was held on October 1, 2012. The claimant participated in the hearing. No one participated on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for Wal-Mart as a sales associate from June 2011 to July 8, 2012. In April 2012, the claimant began working a second job with DES Staffing. He worked on an assignment as a machine operator at Ag Belt, a business at which he had previously worked for several years. He started working part time at Ag Belt, but in June 2012, he began working there full time after he was informed that he would be hired as a permanent employee. The claimant worked part time for Wal-Mart and full time at Ag Belt until the claimant voluntarily left employment with Wal-Mart on July 8, 2012 to accept the full-time job with DES Staffing due to the higher rate of pay and promise of permanent employment. He was not able to continue working both jobs because it was too physically exhausting. He performed services for DES Staffing until July 27, 2012, when he was laid off because orders dropped off due to drought conditions.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code § 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 claimant left work to accept other employment and performed services in that new employment. The law does not deny benefits in this case because he initially was working both jobs. The claimant is qualified to receive unemployment insurance benefits based on his separation from employment with the employer, provided he is otherwise eligible. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated August 28, 2012, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css