

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ELIZABETH M HARVEY**  
Claimant

**APPEAL 21A-UI-16986-AR-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**YARMOUTH FILLING STATION GRILLE I**  
Employer

**OC: 05/02/21**  
**Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant, Elizabeth M. Harvey, filed an appeal from the July 30, 2021, (reference 02) unemployment insurance decision that denied benefits based upon the determination that she voluntarily quit employment with the employer, Yarmouth Filling Station Grille I, for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on September 24, 2021. Pursuant to notice, the hearing was consolidated with the hearing for 21A-UI-17617-AR-T. The claimant participated personally. The employer did not respond to the hearing notice and did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a cook from June 2020, until this employment ended on April 27, 2021, when she resigned.

In April 2021, claimant accepted another position from another employer. This new position paid more than the position with this employer. Claimant's final day of work was April 27, 2021, and she began working at the new position two or three days later. During her two-week notice period, her supervisor, Ellis Ahrens, attempted to entice claimant to stay with this employer. However, claimant felt the new employment was a better fit for herself and her family.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the July 30, 2021 (reference 02) unemployment insurance decision that denied benefits is modified in favor of the appellant. Claimant is eligible for benefits, provided she meets all other eligibility requirements.

Iowa Code § 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.

Iowa Admin. Code r. 871—23.43(5) provides:

(5) Sole purpose. 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. No charge shall accrue to the account of the former voluntarily quit employer.

A claimant is qualified to receive unemployment insurance benefits when a claimant voluntarily quits to accept another offer of work. When a claimant quits to accept another job, the base period employer's account will not be charged. Claimant resigned on April 27, 2021. Claimant had already been offered and accepted other employment prior to her resignation. Claimant started work with the new employer shortly after resigning from this employment.

**DECISION:**

The July 30, 2021 (reference 02) unemployment insurance decision that denied benefits is modified in favor of the appellant. Claimant voluntarily quit the employment without good cause attributable to the employer to accept other employment. The claimant is eligible for benefits provided she meets all other eligibility requirements. The employer's account will not be charged for benefits. Wage credits earned from this employment shall be charged to the employment compensation fund.



---

Alexis D. Rowe  
Administrative Law Judge

September 29, 2021  
Decision Dated and Mailed

ar/kmj