

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KARENA SENTORE**

Claimant

**APPEAL 22R-UI-03834-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAR FRESHNER CORPORATION**

Employer

**OC: 03/21/21**

**Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant/appellant, Karena Sentore, filed an appeal from the September 16, 2021, (reference 02) unemployment insurance decision that concluded she was not eligible for unemployment insurance benefits. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for November 15, 2021. A review of the Appeals Bureau's conference call system indicates that the appellant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the scheduled hearing. Because the claimant/appellant failed to follow the instructions on the notice of hearing, no hearing was held. Official notice was taken of the administrative record.

The claimant appealed the default decision to the Employment Appeals Board (EAB). On February 17, 2022, the EAB granted the claimant's request for re-hearing. The parties were properly notified about the hearing. A telephone hearing was held on April 4, 2022. Claimant, Karena Sentore, participated and testified. Employer did not participate. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Did the claimant quit the 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 began working for employer on December 2020. Claimant last worked as a full-time laborer. Claimant was separated from employment on March 8, 2021, when she voluntarily left her employment to seek full-time employment with better hours at Data Dimensions

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

Iowa Code section 96.5(1) 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 requalification's 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.

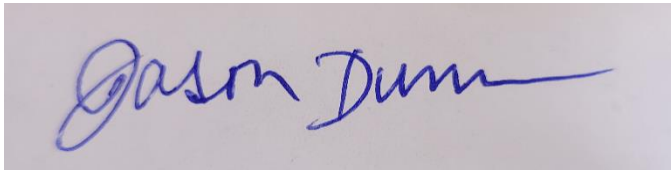
Iowa Admin. Code r. 871-23.43(5) provides:

(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.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The September 16, 2021, (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer Car Freshner Corporation (account number 317933-000) shall not be charged.



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Administrative Law Judge  
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April 5, 2022  
Decision Dated and Mailed

jd/mh