

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**SHAWN M ROFF**  
Claimant

**APPEAL 21A-UI-05443-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BOVARD STUDIO INC**  
Employer

**OC: 12/20/20  
Claimant: Appellant (4)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On February 18, 2021, Shawn M. Roff (claimant) filed an appeal from the February 16, 2021, reference 02, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with Bovard Studio, Inc. (employer) for personal reasons. The parties were properly notified about the hearing held by telephone on April 23, 2021. The claimant participated personally. The employer participated through Frances M. Bovard, Vice President of Human Resources. No exhibits were admitted into the record.

**ISSUE:**

Did the claimant voluntarily quit employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a Crew Member beginning on August 18, 2018. On September 22, 2020, the claimant submitted his resignation to pursue another employment opportunity. He began his new job on October 1.

**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)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:

Charging of benefits to employer accounts.

(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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). “Good cause” for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm’n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, the claimant’s separation was without good cause attributable to the employer, and, standing alone, it would disqualify the claimant from receiving benefits. However, the claimant left in order to accept employment elsewhere and he performed work in the new job. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The February 16, 2021, reference 02, unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 237491) shall not be charged.



---

Stephanie R. Callahan  
Administrative Law Judge

April 28, 2021  
Decision Dated and Mailed

src/ol