

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RANDY L CAREL
Claimant

HY-VEE INC
Employer

APPEAL NO. 15A-UI-07559-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/15
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit
871 Iowa Admin. Code §24.23(10) – Leave of Absence

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 26, 2015, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 21, 2015. Claimant participated. Employer participated by representative Ilene Swickle and witness Cole Durrett.

ISSUES:

Whether claimant is on an approved leave of absence?

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on February 6, 2015. On the date of February 6, 2015 claimant stopped working for employer as claimant had accepted other employment with Southern Iowa Educational Development Association (SIEDA). Claimant did work for this employer, and claimant's quit from Hy-Vee was for the sole purpose of going to work for SIEDA. On February 6, 2015 claimant stopped his employment with Hy-Vee. Claimant did not fill out any termination of employment paperwork until July 7, 2015. The new job offered full-time hours and better benefits than his job with Hy-Vee had offered.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 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.

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.

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.

The administrative law judge holds that the evidence has established that claimant quit his employment with employer for the sole reason that claimant began working with another employer that offered full-time hours. Claimant's physical condition made him unable to continue working both jobs. As claimant quit for the sole purpose of accepting other employment and claimant did work for the other employer, claimant shall not be disqualified from benefits. No charges shall accrue to the account of employer.

DECISION:

The decision of the representative dated June 26, 2015, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. No charges shall accrue to the account of employer.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs