

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**RYAN H DOBEK**  
Claimant

**HY-VEE INC**  
Employer

**APPEAL NO. 20A-UI-14155-ED**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (4)**

Iowa Code Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

**STATEMENT OF THE CASE:**

Ryan Dobek filed a timely appeal from the October 26 2020, reference 01, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on IWD representative's conclusion that Mr. Dobek voluntarily quit without good cause attributable to the employer. After due notice was issued, a hearing was held on January 6, 2020. Mr. Dobek participated personally. Barbara Buss represented the employer. Danielle Grimm and Jason Busswitz testified on behalf of the employer.

**ISSUES:**

Whether the claimant voluntarily quit the employment without good cause attributable to the employer.

Whether the claimant voluntarily quit for the purpose of accepting other or better employment.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ryan Dobek was employed by Hy-Vee Inc as a full-time assistant manager. Mr. Dobek's employment with Hy-Vee Inc began in November 13, 2012. Claimant's last day physically working at Hy-Vee was June 26, 2019. Claimant provided a 16 day notice to his supervisor. Claimant voluntarily quit to accept another job at HON Company. Mr. Dobek began the new employment on June 27, 2019. The new employment offered a better wage, and but preferred work duties relating to his college degree. Hy-Vee Inc continued to have work for Mr. Dobek at the time he separated from the employment.

**REASONING AND CONCLUSIONS OF LAW:**

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no

**ONLINE RESOURCES:**

UI Appeals: <http://www.iowaworkforce.org/ui/appeals/index.html>

Claimant Handbook: <http://www.iowaworkforce.org/ui/handbook.htm>

Handbook for Employers: <http://www.iowaworkforce.org/ui/uiemployers.htm>

Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>

National Career Readiness Certificate or become a member employer utilizing internships through Skilled Iowa Initiative: <http://skillediowa.org/>

longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

Iowa Code section 96.5(1)(a) provides as follows:

Causes for disqualification.

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:

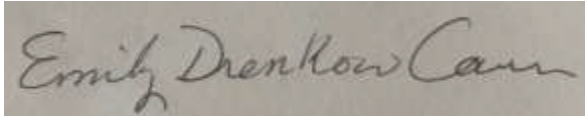
Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(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.

Mr. Dobek voluntarily quit the employment without good cause attributable to the employer. Accordingly, that employer's account will not be charged for benefits. Because Mr. Dobek quit to accept other employment, the quit from Hy-Vee Inc does not disqualify him for unemployment insurance benefits. Mr. Dobek is eligible for benefits, provided he meets all other eligibility requirements.

**DECISION:**

The October 26, 2020, reference 01, decision is modified in favor of the claimant/appellant as follows. The claimant voluntarily quit the employment without good cause attributable to the employer to accept other employment. The quit was effective June 26, 2019. The claimant is eligible for benefits, provided he meets all other eligibility requirements. The employer's account will not be charged for benefits. Wage credits earned from the Hy-Vee Inc. employment shall be charged to the unemployment compensation fund.

A handwritten signature in cursive script, reading "Emily Drenkow Carr", written in dark ink on a light-colored background.

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Emily Drenkow Carr  
Administrative Law Judge

January 25, 2021  
Decision Dated and Mailed

ed/mh