

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**RAYLENE J BERN**  
Claimant

**APPEAL NO: 07A-UI-04301-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MESKWAKI BINGO CASINO & HOTEL**  
Employer

**OC: 04/01/07 R: 02**  
**Claimant: Appellant (2)**

Section 96.5-1-a – Voluntary Quit for Other Employment

**STATEMENT OF THE CASE:**

Raylene J. Bern (claimant) appealed a representative's April 23, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Meskwaki Bingo Casino & Hotel (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 27, 2007. The claimant participated in the hearing. Ferol Ward appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on November 15, 2005. The claimant worked as a full time player club associate. During her employment, the employer gave the claimant some warnings. In early February 2007, the employer suspended the claimant for work issues. During her employment, the claimant also experienced back problems. As a result of her back problems, the claimant asked the employer to transfer her to a job that allowed her to sit. When the employer did not transfer the claimant and the pain became greater, the claimant earnestly looked for another job.

On February 17, 2007, the claimant gave the employer her written resignation and a two weeks' notice. The claimant did not submit her resignation until she had secured other employment. The claimant's last day of work for the employer was March 3, 2007. The claimant began working for her new employer in early March.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. If claimant quits in part because she has accepted other employment and works for the new employer, she is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code section 96.5-1-a.

Even though the claimant's job may have been in jeopardy, the employer did not discharge the claimant. The evidence indicates the claimant looked for other employment that allowed her to work sitting down because of back problems. Since the claimant did not quit until she secured other employment, Iowa Code section 96.5-1-a is the applicable law that applies to this case. As of April 1, 2007, the claimant is qualified to receive unemployment insurance benefits.

**DECISION:**

The representatives' April 23, 2007 decision (reference 01) is reversed. The claimant voluntarily quit her employment after she accepted other employment. Therefore, as of April 1, 2007, she is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs