

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEPHANIE RAYBURN
Claimant

PELLA CORPORATION
Employer

APPEAL 22A-UI-00935-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/31/21
Claimant: Appellant (4R)**

Iowa Code § 96.5(1)a – Voluntary Leaving/Other Employment

STATEMENT OF THE CASE:

The claimant, Stephanie Rayburn, filed an appeal from the December 2, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on January 31, 2022. The claimant participated and testified. Clow Valve Company's Human Resources Manager Tom Loch provided testimony in support of the claimant and represented her. The employer participated through Human Resources Representative Amber Kelley.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without 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 utility operator from May 6, 2019, until she was separated from employment on October 15, 2021, when she quit. The claimant reported directly to Department Manager Nicholle Redding.

On October 1, 2021, Human Resources Manager Tom Loch provided the claimant with a job offer from Clow Valve Company. The claimant accepted the offer because it would offer more pay and more time to spend with her daughter due to the working hours. The claimant wanted to give the employer two-weeks' notice and Mr. Loch agreed, so the claimant's start date there was on October 18, 2021. Mr. Loch testified the claimant could have started in the position the week of October 4, 2021 or October 11, 2021, if they had not come to this agreement.

On October 4, 2021, the claimant told Ms. Redding that she would be resigning effective October 15, 2021. The claimant told Ms. Redding that she would be leaving to take the position at Clow Valve. The claimant's fiancé also took a job at Clow Valve Company around that time.

On November 5, 2021, the claimant's fiancé died. The claimant personally witnessed her fiancé's death. Given the traumatic nature of this event, the claimant and Mr. Loch agreed to place her on a leave of absence from November 5, 2021 through November 22, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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 re-qualifications 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.

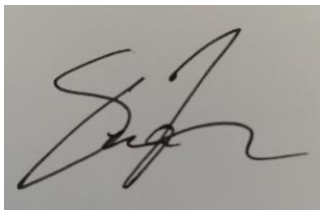
Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and performed services for the subsequent employer. Accordingly, benefits are allowed and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

DECISION:

The December 2, 2021, (reference 01), decision is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number #003162) shall not be charged.

REMAND:

The administrative law judge is remanding the issue regarding the claimant's ability to and availability for work from November 5, 2021 through November 22, 2021, as outlined in the findings of facts.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown within a rectangular frame.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

February 28, 2022
Decision Dated and Mailed

smn/mh