

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**AMANDA R HEMM**  
Claimant

**VANGE INC**  
Employer

**APPEAL 14A-UI-05759-GT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/27/14**  
**Claimant: Appellant (4)**

---

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 19, 2014, (reference 01) unemployment insurance decision that denied benefits based upon a finding that claimant quit work to accept other employment, and the other employment was not obtained. The parties were properly notified about the hearing. A telephone hearing was held on June 26, 2014. Claimant participated personally. Employer did not participate. Exhibits A through C were admitted into the record.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a food service worker and was separated from employment on April 11, 2014. She quit her job at “Vange Inc because she found and accepted better employment. She gave her two-week notice, and then quit to begin working for her new employer. Work was still available at “Vange Inc. She began working for her new employer on April 14, 2014 as a full-time employee. She was then laid off by her new employer on April 28, 2014 through May 2, 2014. The new employer, Coles Quality Foods Inc. has requested immediate relief for any employees that were affected by the lay-off. The employer has requested that those employees be exempt from seeking work during the lay-off period.

**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 § 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.

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 did perform services for the subsequent employer, but was separated before having started the new employment. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The May 19, 2014, (reference 01) decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 330629) shall not be charged.

---

Duane L. Golden  
Administrative Law Judge

---

Decision Dated and Mailed

dlg/pjs