

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**MEGAN R SAFFELL**

Claimant

and

**CASEY'S MARKETING COMPANY**

Employer

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**HEARING NUMBER: 21B-UI-07927**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-2-A**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

**FINDINGS OF FACT:**

Claimant was hired in August 20, 2019. Her last day worked was February 18, 2020. Claimant worked in the kitchen preparing breakfast food and cleaning. Her hours were mainly 3:00 a.m. through 10:00 a.m. Claimant's manager at the time of her separation was Yvonne Locke.

Claimant voluntarily quit on February 18, 2020 to take another job. She did work that job and was paid wages then she subsequently experienced a period of unemployment and filed an initial claim for benefits during the week starting on March 15, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

This case involves a voluntary quit. Iowa Code Section 96.5(1) states:

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.

Even where a claimant quits but without good cause attributable to the employer the claimant may nevertheless collect benefits under certain circumstances. One of these is where the quit is for the purpose of accepting other employment. On this issue the Code provides:

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 Code §96.5(1)(a). The rules of Workforce further explain:

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.

871 IAC 24.28(5).

The evidence shows that the Claimant did earn wages at the new job which she quit to take. This being the case the Claimant is **not** disqualified under Iowa Code §96.5(1)(a).

Finally, since Casey's Marketing was the employer whom the Claimant quit in order to take another job under the law **Casey's Marketing may not be charged** with benefits paid to the Claimant. Iowa Code §96.5(1)(a); 871 IAC 23.43(5)(no charge to prior employer when quit for other or better job).

The upshot is the Claimant gets benefits but the Employer does not have to pay for them.

## **DECISION:**

The administrative law judge's decision dated June 8, 2021 is **REVERSED** but with no effect on the Employer. The Employment Appeal Board concludes that the Claimant quit. The Claimant's quit, however, was not disqualifying. Accordingly, the Claimant **is allowed benefits provided** the Claimant is otherwise eligible.

**Benefits relating to wage credits earned with the Employer shall be charged to the unemployment compensation fund under the authority of Iowa Code §96.5(1)(a).**

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James M. Strohman

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Ashley R. Koopmans

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Myron R. Linn

RRA/fnv