

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ROSE PENSEL**  
Claimant

**IMAGINE THE POSSIBILITIES INC**  
Employer

**APPEAL 22A-UI-07976-DS-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/20/22**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On March 21, 2022, Rose PenseL (claimant/appellant) filed an appeal from the March 9, 2022, Reference 01, unemployment insurance decision that denied benefits based upon the determination that she quit the employment voluntarily and without good cause attributable to the employer. The parties were properly notified about the hearing held by telephone on May 12, 2022. The claimant participated personally. The employer participated through Sherri Stark, Human Resources Coordinator. The administrative law judge took notice of the administrative record.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to 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 Health Care Provider – Direct Support Professional beginning on January 4, 2016, and separated from the employment on June 20, 2021. Her immediate supervisor was Vickie Allert.

In June of 2021, the claimant gave two weeks' notice to her employer, advising that she would be leaving the employment on June 19, 2021. The claimant provided this notice to her supervisor and in writing. The claimant left the job to take a position with another employer for more pay. Claimant's job was not in jeopardy, and continuing work was available had she not left the employment.

**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. Benefits are allowed and the employer's account shall not be charged.

Iowa Code §96.5(1) 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.

In this case, it is undisputed that the claimant left her position voluntarily, and there was no good cause attributable to the employer. Claimant testified that she liked her job and did not want to leave.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalification's 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.

The claimant testified that she left her job with this employer to accept another position elsewhere for better pay.

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.

Here, although the separation was without good cause attributable to the employer, and would, standing alone, disqualify the claimant from receiving benefits, the claimant left her employment in order to accept other employment. Claimant has since separated from her new employer, Lumber Specialties. As such, benefits are allowed and the account of this employer shall not be charged.

**DECISION:**

The March 9, 2022, (Reference 01) unemployment insurance decision is MODIFIED in favor of 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 088587) shall not be charged.



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David J. Steen  
Administrative Law Judge  
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June 17, 2022  
Decision Dated and Mailed

djs/mh