

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JONI L JEFFERSON**  
Claimant

**APPEAL NO. 07A-UI-03503-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS HEALTH SYSTEM**  
Employer

**OC: 03/11/07 R: 12  
Claimant: Appellant (2)**

Section 96.5(1)a – Quit for Other Employment

**STATEMENT OF THE CASE:**

Joni Jefferson filed an appeal from a representative's decision dated March 30, 2007, reference 01, which denied benefits based on her separation from Genesis Health System. Due notice was issued scheduling a telephone hearing for 9:00 a.m. on April 25, 2007. The employer responded to the notice of hearing. Ms. Jefferson responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing. She responded at 9:44 a.m. to a voice message left for her by the administrative law judge. Ms. Jefferson had failed to note that the hearing was at 9:00 a.m. Iowa time as specified on the hearing notice. Because she did not have good cause for not being available at the scheduled time, the hearing record was not reopened.

**ISSUE:**

At issue in this matter is whether Ms. Jefferson was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Jefferson was employed by Genesis Health System from August 17, 1998 until February 20, 2007. She was last employed as a part-time pharmacy technician. She left the job in good faith to accept a position Just 4 U Kirven Foundation as a house manager in Los Angeles, California. After Ms. Jefferson relocated to California, she was advised that there would be a delay in starting the position. There were unexpected problems with the new employer's state inspection. Therefore, Ms. Jefferson was not allowed to start work immediately.

**REASONING AND CONCLUSIONS OF LAW:**

It is undisputed that Ms. Jefferson left her employment with Genesis Health System voluntarily. She quit in good faith to accept a new job in California. Pursuant to Iowa Code section 96.5(1)a, an individual has to have performed services in the new employment in order to be eligible to receive job insurance benefits. The law also provides that, where an individual

has left employment in good faith to accept other employment but is separated from the new employment before or after having started the new employment, she is eligible to receive benefits. 871 IAC 24.28(5).

The administrative law judge believes the provision of section 96.5(1)a requiring services in the new employment is intended to prohibit benefits to one who has left one job to accept another but, for their own reasons, have not started the new job yet. It is believed that 871 IAC 24.28(5) was intended to allow benefits to those who, for reasons beyond their control, are not able to start the new employment. In other words, the law would allow benefits to one unemployed through no fault of her own rather than one who wants to take time off between jobs.

The administrative law judge concludes that Ms. Jefferson left her employment with Genesis Health Center in good faith to accept other employment but was separated from the new employment before she could begin performing services. As such, she is entitled to job insurance benefits. Genesis Health Center is entitled to a relief of charges pursuant to section 96.5(1)a.

**DECISION:**

The representative's decision dated March 30, 2007, reference 01, is hereby reversed. Ms. Jefferson left her employment in good faith to accept other employment but was separated from the new employment. Benefits are allowed, provided she satisfies all other conditions of eligibility, but shall not be charged to Genesis Health System.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css