

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY E SHIFFER
Claimant

APPEAL NO: 06A-UI-11997-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SOUTHERN IOWA RESOURCES FOR
FAMILIES INC**
Employer

**OC: 11/05/06 R: 02
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Mary E. Shiffer (claimant) appealed a representative's December 5, 2006 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Southern Iowa Resources for Families, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 4, 2007. The claimant participated in the hearing. Sharon McNeil appeared on the employer's behalf and presented testimony from one other witness, Dan Downing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a disqualifying reason?

FINDINGS OF FACT:

The claimant started working for the employer on August 17, 2005. She worked full time as a counselor in the employer's rehabilitation program for persons with mental illness. Her last day of work was July 7, 2006. On June 26 she tendered her resignation effective July 7. Her reason for quitting was to move to another community due to accepting another job.

On June 23 the claimant was offered full-time employment with a Des Moines hospital; she accepted the same day. Her scheduled start date was July 17. She quit her employment with the employer as of July 7 so she could move to Des Moines before starting her new employment. When she reported for her new employment on July 17, the new employer offered the claimant a different full-time position which she also accepted. She completed orientation on July 17, but since the new position required additional background checks, the new employer rescheduled her actual start date to August 7. She in fact did assume her new duties as of that date.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she would be disqualified unless it was for a non-disqualifying reason.

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.

The claimant did voluntarily quit in order accept other employment. The claimant is not disqualified from receiving benefits as a result of this quit in the event of a future separation from employment, but the employer's account will not be charged.

DECISION:

The representative's December 5, 2006 decision (reference 02) is modified in favor of the claimant. The claimant voluntarily left her employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs