

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TAMMY L GULLION
Claimant

HY-VEE INC
Employer

APPEAL NO. 21A-UI-06176-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/27/20
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 11, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 5, 2021. Claimant participated. Employer participated by hearing representative Barbara Buss and witness Esthefany Martinez.

ISSUES:

Whether claimant quit for good cause attributable to employer?

Whether claimant is able and available for work?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 20, 2020. Claimant stopped working for employer such that she could begin working for the United States Postal Service. Claimant has worked for the postal serviced after ending her work with Hy-Vee.

At all times relevant, claimant has been able and available for work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 administrative law judge holds that the evidence has established that claimant voluntarily quit for sole purpose of gaining other, better employment with the US Postal Service. Employer's account will not be charged for benefits received by claimant.

DECISION:

The decision of the representative dated February 11, 2021, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible. Employer's account will not be charged for benefits received by claimant.



Blair A. Bennett
Administrative Law Judge

May 14, 2021
Decision Dated and Mailed

bab/ol