

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BECKY S ANDREW
Claimant

APPEAL NO. 12A-UI-05178-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 03/18/12
Claimant: Appellant (4)

Section 96.5(1)a – Quit/New Job

STATEMENT OF THE CASE:

The claimant, Becky Andrew, filed an appeal from a decision dated April 27, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 30, 2012. The claimant participated on her own behalf. The employer, Care Initiatives, participated by Administrator Kyle Merry and was represented by TALX in the person of David Williams.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Becky Andrew was employed by Care Initiatives from April 27, 2011 until March 6, 2012 as a part-time CNA. She submitted a written resignation on February 27, 2012, to DON Deb Clark, effective March 6, 2012. Ms. Andrew had been offered, and accepted, another job with MTI Telecommunications that began on March 12, 2012. Two days later, she was laid off and has not yet been recalled.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 quit for the sole purpose of accepting another job, which she did accept and she worked for the new employer. Under the provisions of the above Iowa Code section, this is a voluntary quit without good cause attributable to the employer but Ms. Andrew has requalified by working for the new employer.

DECISION:

The representative's decision of April 27, 2012, reference 01, is modified in favor of the appellant. Becky Andrew is qualified for benefits, provided she is otherwise eligible. The account of Care Initiatives shall not be charged with benefits paid to the claimant after March 6, 2012.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw