

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIFFANY J WARNSTAFF
Claimant

APPEAL NO: 14A-UI-07866-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**TRINITY MUSCATINE
UNITY HEALTH SYSTEM**
Employer

OC: 06/29/14
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 22, 2014 (reference 02) determination that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the hearing. The employer did not respond to the hearing notice or participate at the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working as a full-time nutrition clerk in March 2013. On May 14, 2014 the claimant accepted H.J. Heinz's offer of employment. This job was to start on May 28. The last day the claimant worked for the employer was Friday, May 16. She planned to work, but was ill and unable to work on Monday and Tuesday, May 19 and 20. She properly notified the employer she was ill and unable to work these days. The afternoon of May 20 a Human Resource Representative left a message for the claimant. The message indicated the call concerned her employment.

The claimant had attendance issues with the employer. She assumed a Human Resource Representative called to let her know she had been discharged. After making this conclusion, the claimant did not call the employer or report back to work. Initially, the claimant planned to give the employer notice that her last day of work would be May 27, 2014.

The claimant started working at H. J. Heinz on May 28, 2014. She did not file a claim for benefits until the week of June 29, 2014 when she was on a temporary layoff from H. J. Heinz.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The law presumes a claimant is qualified to receive benefits and the employer's account will not be charged when a claimant quits because she has accepted other employment. Iowa Code § 96.5(1)a.

The evidence indicates the claimant quit after she had already been offered and accepted a job at H. J. Heinz. The claimant started working for H. J. Heinz and did not establish a claim until she was on a temporary one-week layoff. The claimant established that she is qualified to receive benefits as of June 29, 2014.

DECISION:

The representative's July 22, 2014 (reference 02) determination is reversed. The claimant voluntarily quit for other employment. Therefore, as of June 29, 2014, the claimant is qualified to receive benefits and the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can