

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BOZENA J AL-YASSIRI
Claimant

APPEAL 17A-UI-08229-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RENAL TREATMENT CENTERS
Employer

OC: 07/09/17
Claimant: Appellant (4R)

Iowa Code § 96.5(1)a – Voluntary Leaving/Other Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 3, 2017, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 30, 2017. Claimant participated. Employer participated through Angie Hill, Facility Administrator and was represented by Chris Hunter of Employer's Unity. Employer's Exhibit 1 was entered into the record.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a patient care technician beginning in April 2016 in Iowa. Effective January 30, 2017 the claimant transferred to another facility owned by this employer in Kansas City, Missouri. She continued to work at that facility until May 11, 2017 when she voluntarily quit. While the claimant told the employer she was quitting to attend school, she quit because she had been offered and accepted another job with a new employer. The claimant worked for Dialysis Clinics Inc. DCI, with corporate offices at 650 Carondelet Drive, Kansas City, Missouri, 64114. Claimant worked for this new employer for two weeks. Her separation from DCI has not yet been adjudicated at the fact-finding level.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment with DCI and did perform services for the subsequent employer. Accordingly, benefits are allowed, provided the claimant is otherwise eligible and the account of this employer, (account number 324870) shall not be charged.

REMAND:

The claimant's separation from her most recent employer, Dialysis Clinics Inc. is remanded to the unemployment insurance service center for an initial review and determination.

DECISION:

The August 3, 2017, (reference 01) decision is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 324870) shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs