

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREA N CORNELIUS
Claimant

TMI EMPLOYEE MANAGEMENT
Employer

APPEAL 22A-UI-01334-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/07/21
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant/appellant, Andrea N. Cornelius, filed an appeal from the December 15, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 7, 2022. The claimant participated. The employer/respondent, TMI Employee Management, participated through Angie Booth, general manager. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant performed work for this employer from July 23, 2014 until April 18, 2021. Claimant most recently worked as a full-time assistant general manager when she quit the employment to accept other employment with The Bond Group, based in Wisconsin. Continuing work was available.

Claimant subsequently filed her claim for unemployment insurance benefits effective November 7, 2021 after separation with The Bond Group. The administrative records do not reflect whether claimant requalified after separation with this employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit to accept other employment. Benefits are allowed, and this employer is relieved of charges. 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 and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of this employer shall not be charged.

DECISION:

The December 15, 2021 (reference 01) initial decision is modified in favor of the claimant/appellant. The claimant voluntarily quit the employment to accept other employment. Benefits are allowed, and this employer is relieved of charges.



Jennifer L. Beckman
Administrative Law Judge
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February 28, 2022
Decision Dated and Mailed

jlb/scn