

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MACKENZIE M MILLER
Claimant

APPEAL NO: 14A-UI-12918-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABCM CORPORATION
Employer

OC: 11/09/14

Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Mackenzie M. Miller (claimant) appealed a representative's December 3, 2014 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits in connection with her employment with ABCM Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 14, 2015. The claimant participated in the hearing. Mikka Foley appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a disqualifying reason?

OUTCOME:

Modified. Benefits allowed; employer's account relieved of charge.

FINDINGS OF FACT:

After a prior period of employment with the employer, the claimant most recently began work for the employer on June 28, 2012. She was on a leave of absence for military service beginning October 2013, but returned to the employment as of April 18, 2014. She worked as a certified nursing aide (CNA) at the employer's Independence, Iowa skilled nursing facility. Shortly after returning to work, the director of nursing requested the claimant to go onto PRN (*Pro re nata* – commonly used in medicine to mean "as needed") status so that she could be more flexible on which shifts she worked, but with the understanding that she would still be working full time hours. However, after a short time the claimant determined that the arrangement was not working out well. She therefore sought employment elsewhere.

The claimant started a new job with a new employer, Midwest Contractors, in about May 2014. At first the new job did not require weekend work and the claimant agreed to continue to work as needed, primarily on weekends, with the employer. Her last day of work was June 22, 2014.

After that shift the claimant informed the administrator that her new job was now taking additional hours, including on weekends, and that she was ending her employment relationship with the employer.

For some reason the administrator did not communicate that the claimant had indicated she was ending her employment relationship with the employer, and the employer continued to consider the claimant as on a PRN basis. The employer would occasionally call and leave messages inquiring if the claimant could work the shift, but the claimant never returned the calls as she considered her employment ended. The claimant continued to work full time in her new employment with Midwest Contractors until she was laid off for seasonal reasons as of November 8, 2014; she then established a claim for unemployment insurance benefits effective November 9, 2014.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge.

The claimant did voluntarily quit in order accept a bona fide offer of other employment. The claimant is not disqualified from receiving benefits as a result of her quit from the employer in this case, but the employer's account will not be charged.

DECISION:

The representative's December 3, 2014 decision (reference 01) is modified in favor of the claimant. The claimant voluntarily left her employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs