

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**EMILY E MUNDY**  
Claimant

**AMAZON.COM SERVICES INC**  
Employer

**APPEAL NO. 21A-UI-23258-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/28/21  
Claimant: Appellant (4)**

---

Iowa Code Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

**STATEMENT OF THE CASE:**

The claimant, Emily Mundy, filed a timely appeal from the October 19, 2021, reference 01, decision that disqualified her for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on May 12, 2021 without good cause attributable to the employer. After due notice was issued, a hearing was held on December 10, 2021. The claimant participated. The employer did not comply with the hearing notice instructions to call the designated toll-free number at the time of the hearing and did not participate. Exhibits A and B were received into evidence. The administrative law judge took official notice of the quarterly wage reports (WAGE-A).

**ISSUE:**

Whether the claimant voluntarily quit the employment without good cause attributable to the employer.

Whether the claimant voluntarily quit the employment for the sole purpose of accepting other, better employment.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by Amazon.com Services, Inc. as a part-time package handler from January 2021 until April 7, 2021, when she voluntarily quit. The work paid \$15.00 an hour. The claimant had to compete for work hours daily and received only about eight hours of work per week. The claimant had accepted the Amazon.com Services, Inc. employment as a stop-gap measure after being discharged from an earlier full-time employment.

On April 8, 2021, the claimant accepted full-time employment with Allen Chase Enterprises, Inc. The new employment paid \$18.00 an hour and provided a Monday through Friday, 7:00 a.m. to 3:30 p.m. work week. Upon accepting the offer of employment, the claimant sent online notification to Amazon.com Services that she was quitting effective immediately. The claimant commenced her new full-time employment on April 20, 2021.

## REASONING AND CONCLUSIONS OF LAW:

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

Iowa Code section 96.5(1)(a) provides as follows:

Causes for disqualification.

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.

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.

The claimant voluntarily quit the part-time Amazon.com Services employment without good cause attributable to that employer and did so for the sole purpose of accepting other, better, full-time employment. The claimant did indeed perform work for the new employer. The claimant's voluntary quit to accept new employment does not disqualify the claimant for unemployment insurance benefits. The claimant is eligible for benefits, provided she meets all other eligibility requirements. Because the quit was without good cause attributable to Amazon.com Services, that employer's account shall not be charged for benefits. Benefits relating to wage credits earned with Amazon.com Services shall be charged to the unemployment compensation fund.

**DECISION:**

The October 19, 2021, reference 01, decision is modified in favor of the claimant's appellant as follows. The claimant voluntarily quit the part-time Amazon.com Services employment without good cause attributable to that employer and did so for the sole purpose of accepting other, better, employment. The claimant is eligible for benefits, provided she meets all other eligibility requirements. The employer's account shall not be charged for benefits. Benefits relating to wage credits earned with Amazon.com Services shall be charged to the unemployment compensation fund.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

---

James E. Timberland  
Administrative Law Judge

January 13, 2022  
Decision Dated and Mailed

jet/mh