

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**AVENELL A. SCHUMANN**  
Claimant

**CARE INITIATIVES**  
Employer

**APPEAL 22A-UI-06064-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/23/22  
Claimant: Appellant (4)**

Iowa Code §96.5(2)a-Discharge/Misconduct  
Iowa Code §96.5(1)- Voluntary Quit

**STATEMENT OF THE CASE:**

On March 8, 2022, the claimant/appellant filed an appeal from the March 2, 2022, (reference 01) unemployment insurance decision that denied benefits based on claimant voluntarily quitting on November 8, 2021. The parties were properly notified about the hearing. A telephone hearing was held on April 18, 2022. Claimant participated. Employer participated through hearing representative Lesley Buhler. Business office manager, Steph Burr, was called to testify. Administrative notice was taken of claimant's unemployment insurance benefits records.

**ISSUE:**

Was the separation a voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on January 15, 2020. Claimant last worked as a full-time dietary services manager. Claimant was separated from employment on November 7, 2021, when she submitted her verbal and written resignation. Claimant accepted other employment with Norwalk Senior Housing. Claimant has since separated from her new employer, Norwalk Senior Housing.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code §96.5(1) provides:

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.

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

Voluntary quit requalification's 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 the employment in order to accept other employment. Claimant has since separated from her new employer, Norwalk Senior Housing. As such, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The March 2, 2022, (reference 01) unemployment insurance decision is MODIFIED in favor of appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 104318) shall not be charged.

A handwritten signature in black ink that reads "Carly Smith". The signature is written in a cursive, flowing style. The "C" is large and loops around the "arly". The "Smith" is written in a more standard cursive. There is a small horizontal line under the "y" in "Carly".

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Carly Smith  
Administrative Law Judge

April 20, 2022  
Decision Dated and Mailed

cs/jh