

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA J HOYE
Claimant

APPEAL NO: 14A-UI-06732-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT COMMUNITY SCH DIST
Employer

OC: 06/01/14
Claimant: Appellant (4)

Section 96.5-1 a – Voluntary Leaving – Other Employment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 25, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 22, 2014. The claimant participated in the hearing. The employer did not respond to the hearing notice by providing a phone number where it could be reached at the date and time of the hearing, as evidenced by the absence of a name and phone number on the Clear2There screen showing whether the parties have called in for the hearing as instructed by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left her employment to accept employment elsewhere.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time para-educator for Davenport Community School District from March 6, 2013 to May 30, 2014. Continued work was available. The claimant left employment with the school district to accept other employment at Rock Island Arsenal. She will begin her new position August 25, 2014. When the claimant submitted her two-week notice to the school district she was under the impression she would be starting her new position in two weeks but after giving notice she learned she needed to undergo a lengthy security screening process and consequently the start date for her new position is August 25, 2014.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.5-1-a 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. 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.

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 has a firm start date to begin performing services for the subsequent employer. The new employer told her she was hired and the claimant relied upon that information in submitting her two-week notice to the employer. Her new employer did not tell her she had to pass a lengthy security screening process before she could start her new position but she has successfully completed the security check and will begin her new job August 25, 2014. Accordingly, benefits are allowed and the account of Davenport Community School District shall not be charged.

DECISION:

The June 25, 2014, 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 this employer shall not be charged.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/can