

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTANY M STUELKE
Claimant

APPEAL 20A-UI-07349-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AUGUSTANA SENIOR DEVELOPMENT II
Employer

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the June 22, 2020 (reference 04) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on August 6, 2020, at 9:05 a.m. Claimant participated. Employer participated through Dawn Martin, Business Office Manager. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time Cook from July 29, 2020 until her employment with Augustana Senior Development ended on April 7, 2020, when claimant resigned to accept other employment with Go Daddy. Claimant was not able to begin her employment with Go Daddy due to Covid-19 and has not performed any work for Go Daddy to date. There was continuing work available for claimant if she had not quit. Claimant's job was not in jeopardy.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit to accept other employment but has not performed work for her new employer. Benefits are denied.

Iowa Code section 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.

Claimant voluntarily quit her employment with Augustana Senior Development in order to accept other employment. However, claimant has not performed services in the new employment. Therefore, claimant does not meet the exception to disqualification outlined in Iowa Code section 96.5(1)a. Accordingly, benefits are denied.

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

DECISION:

The June 22, 2020 (reference 04) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Adrienne C. Williamson
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August 14, 2020
Decision Dated and Mailed

acw/mh