

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SARAH M GAMACHE**  
Claimant

**SCE PARTNERS LLC**  
Employer

**APPEAL 21A-UI-12543-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/14/21  
Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

On May 19, 2021, the claimant/appellant filed an appeal from the May 17, 2021, (reference 01) unemployment insurance decision that disallowed benefits based on claimant voluntarily quitting due to personal reasons. The parties were properly notified about the hearing. A telephone hearing was held on July 28, 2021. Claimant participated at the hearing. Employer did not register a number to participate in the hearing prior to the hearing and therefore did not participate in the hearing.

**ISSUE:**

Was the separation a layoff, discharge for misconduct, or 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 May 15, 2014. Claimant last worked as a full-time slot technician. Claimant was separated from employment on February 28, 2020, when she voluntarily resigned.

Prior to quitting her employment with this employer, the claimant had been offered and had accepted a full time position with Teksystems. Claimant submitted her written and verbal two week notice of resignation. Claimant finished her two weeks with the employer and then began her new employment on March 1, 2020. On March 19, 2020, Teksystems notified claimant they no longer had work for her due to the COVID-19 pandemic.

**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 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.

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 but was separated after having started the new employment. As such, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The May 17, 2021, (reference 01) unemployment insurance decision is modified in favor of the 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 533371-000) shall not be charged.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

August 4, 2021  
Decision Dated and Mailed

cs/mh