

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BECKY HOLMAN
Claimant

US BANK NATIONAL ASSOCIATION
Employer

APPEAL 21A-UI-18028-ED-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 6/27/21
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 13, 2021 (reference 01) unemployment insurance decision that held claimant ineligible for unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 28, 2021. Claimant, Becky Holman, participated personally. Employer, US Bank National Association, participated through Jacob Main and Emily Playford. Claimant's Exhibits 1, 2 and 3 were offered and received into the record. Employer's Exhibit A was offered and received into the record with no objection.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

The claimant was hired on October 26, 2020 as a full-time mortgage loan processor 3 until April 20, 2021, when claimant submitted her resignation. Claimant's immediate supervisor was Jacob Main. The claimant submitted her resignation to Mr. Main to accept a position with a new employer, Emphasis. The Continued work was available at U.S. Bank had the claimant not quit. The claimant was separated from the new employer after beginning work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the 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 § 96.8, subsection 5.

Iowa Admin. Code r. 871-24.28 provides:

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.

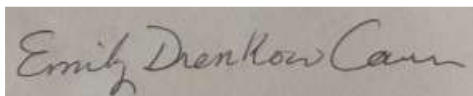
Iowa Admin. Code r. 871-23.43 provides:

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 in order to accept other employment and did perform services for the subsequent employer but was separated after having started the new employment. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The August 13, 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 shall not be charged.



Emily Drenkow Carr
Administrative Law Judge

November 12, 2021
Decision Dated and Mailed

ed/ol