

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENISE M WEHR

Claimant

APPEAL NO: 12A-UI-04285-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HINES & ASSOCIATES INC

Employer

OC: 02/26/12

Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

Denise M. Wehr (claimant) appealed a representative's April 3, 2012 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Hines & Associates, Inc. (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on May 8, 2012. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit and, if so, is she disqualified from receiving unemployment insurance benefits?

FINDINGS OF FACT:

The claimant's last day of work for the employer was December 23, 2011. She voluntarily quit effective that day to seek other employment. She did obtain other employment with another employer as of January 23, 2012. She worked full-time in that employment through February 27, 2012. In that new employment she earned gross wages in excess of \$4,400.00.

After the employment with the new employer ended as of February 27, she established an unemployment insurance benefit year effective February 26, 2012. Her weekly benefit amount was calculated to be \$385.00.

REASONING AND CONCLUSIONS OF LAW:

Rule 871 IAC 24.25 provides that, in general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The claimant did express her intent not to continue to work with this employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. *Bartelt v. Employment Appeal*

Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would normally be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause attributable to the employer, which would not include quitting to seek employment elsewhere.

Iowa Code section 96.5-1-g 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:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

However, the administrative law judge further concludes from the available information that after the separation from this employer and prior to filing her claim for benefits the claimant has requalified for benefits by earning ten times her weekly benefit amount with a subsequent employer. Accordingly, benefits are allowed and the account of this employer shall not be charged.

DECISION:

The representative's April 3, 2012 decision (reference 02) is modified in favor of the appellant. The claimant voluntarily left her employment without good cause attributable to the employer but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw