

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BAILEY ZARUBA**  
Claimant

**ST LUKES METHODIST HOSPITAL**  
Employer

**APPEAL 21A-UI-13220-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 03/21/21**  
**Claimant: Respondent (4)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)A – Discharge for Misconduct  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Employer filed an appeal from the May 24, 2021 (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on August 10, 2021, at 10:00 a.m. Claimant participated. Employer participated through April Eich, Human Resources Business Partner, and Michelle Ross, Nurse Manager. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUES:**

Whether claimant's separation was a discharge for disqualifying job-related misconduct or a voluntary quit without good cause attributable to employer.  
Whether claimant was overpaid benefits.  
Whether claimant should repay those benefits and/or whether employer should be charged based upon its participation in the fact-finding interview.  
Whether claimant is eligible for Federal Pandemic Unemployment Compensation.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed with Saint Luke's Methodist Hospital full-time until July 23, 2020 when she transitioned to PRN status. Claimant changed to PRN status because she accepted other full-time employment with Aya Healthcare. Claimant performed work for Aya Healthcare.

Employer has a requirement that PRN employees work a minimum number of hours per month in order to maintain employment. Claimant was unable to meet this requirement due to her full-time employment with Aya Healthcare. Claimant completely quit her employment with St. Luke's on February 17, 2021 to continue her full-time employment with Aya Healthcare.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit to accept other employment. Benefits are allowed provided claimant is otherwise eligible. Employer's account shall not be charged.

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.

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.

Claimant quit working as a PRN employee in order to work full-time for her other employer. Therefore, benefits are allowed and employer's account shall not be charged.

Because claimant's separation is not disqualifying, the issues of overpayment and repayment are moot.

Because claimant is eligible for regular unemployment insurance benefits, claimant is also eligible for Federal Pandemic Unemployment Compensation. See PL 116-136 §2104(B).

**DECISION:**

The May 24, 2021 (reference 01) unemployment insurance decision is modified in favor of appellant. Claimant voluntarily quit for other employment. Benefits are allowed provided claimant is otherwise eligible. Employer's account (number 069772-000) shall not be charged. The issues of overpayment and repayment are moot. Claimant is eligible for Federal Pandemic Unemployment Compensation to the extent she is eligible for unemployment insurance benefits.



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August 18, 2021  
Decision Dated and Mailed

acw/kmj