

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHEN M JEWELL**  
Claimant

**APPEAL NO. 14A-UI-03803-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY MEDICAL CENTER –  
CLINTON INC**  
Employer

**OC: 03/09/14**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Stephen Jewell (claimant) appealed a representative's March 31, 2014, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Mercy Medical Center - Clinton (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 29, 2014. The claimant participated personally. The employer participated by Maggie Callaghan, Human Resources Generalist.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on September 10, 2014, as a full-time certified registered nurse anesthetist. In December 2013, the claimant gave the employer written notice of his resignation effective March 7, 2014, because he was offered and accepted a position with Dodge Street Anesthesia. Dodge Street Anesthesia requested the claimant start as soon as possible. In January 2014, the claimant requested and the employer allowed for the claimant's last day to be February 28, 2014. The claimant planned to start work with Dodge Street Anesthesia on March 3, 2014. On February 1, 2014, Dodge Street Anesthesia called to inform the claimant that he and seven others would not be hired because of a lost contract. The claimant asked if he could rescind his resignation with the employer but the employer denied his request. The claimant's last day of work with the employer was February 28, 2014. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after his separation from work.

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.

871 IAC 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 claimant left his position with the employer to work for another employer. When an employee quits work to take other employment, he is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. The new company rescinded its offer after the claimant's acceptance and the claimant quit his employment. The claimant voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

**DECISION:**

The representative's March 31, 2014, decision (reference 01) is reversed. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because he quit to take other employment. The employer will not be charged.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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