

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REYNA I REYES MOREIRA**  
Claimant

**APPEAL NO. 14A-UI-01861-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ARAMARK FACILITY SERVICES LLC**  
Employer

**OC: 01/26/14**  
**Claimant: Appellant (2)**

Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

**STATEMENT OF THE CASE:**

Reyna Reyes Moreira filed a timely appeal from the February 18, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on March 11, 2014. Ms. Reyes Moreira participated. The employer did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Spanish-English interpreter Emily Kinch assisted with the hearing.

**ISSUE:**

Whether Ms. Reyes Moreira's voluntary quit from Aramark Facility Services disqualifies her for unemployment insurance benefits or relieves that employer of liability for benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Reyna Reyes Moreira was employed by Aramark Facility Services as a housekeeper from May 2013 until January 8, 2014, when she voluntarily quit for the sole purpose of accepting other, better-paying employment that was closer to her home. Ms. Reyes Moreira started the new employment on January 13, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Iowa Code section 96.5(1)(a) provides as follows:

Causes for disqualification.

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.

[Emphasis added.] The administrative law judge must follow the plain language of the statute.

Ms. Reyes Moreira voluntarily quit the employment with Aramark for the sole purpose of accepting other, better employment and performed work for the new employer. The voluntary quit to accept new employment did not disqualify Ms. Reyes Moreira for benefits. She is eligible for benefits, provided she is otherwise eligible. Because the voluntary quit was without good cause attributable to Aramark, that employer's account will not be charged for benefits.

**DECISION:**

The Claims Deputy's February 18, 2014, reference 01, decision is reversed. The claimant voluntarily quit the employment for the sole purpose of accepting other, better employment and performed work for the new employer. The voluntary quit to accept new employment did not disqualify the claimant for benefits. The claimant is eligible for benefits, provided she is otherwise eligible. Because the voluntary quit was without good cause attributable to Aramark, that employer's account will not be charged for benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs