

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALICIA R BOWLBY
Claimant

WALMART INC
Employer

APPEAL 21A-UI-05873-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
Claimant: Appellant (2)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Alicia Bowlby (claimant) appealed an Iowa Workforce Development February 16, 2021, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Walmart (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 5, 2021. The claimant participated personally. The employer participated by Ashley Michels, People Lead. The administrative law judge took official notice of the administrative file.

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 worked for the employer from November 3, 2019, to April 10, 2020. At the end of her employment, she was working as a full-time on-line grocery clerk and being paid \$12.40 per hour. The claimant lived in a fifth-wheel camper. She paid lot fees, electricity, etc.

She had an offer from Adventure Lands of America to return to her full-time seasonal job. The job paid \$8.75 per hour and covered her lot fees, electricity, etc. Orientation was scheduled in April 2020. All employees had to quarantine for two weeks prior to orientation.

On March 30, 2020, the claimant gave notice to the employer that her last day of work would be April 10, 2020. The claimant worked through April 10, 2020. Continued work was available with the employer had the claimant not resigned.

Adventure Lands of America moved the orientation to May 15, 2020. Opening day at the park was June 2, 2020.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

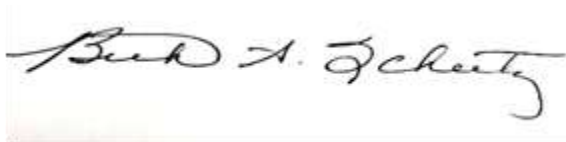
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

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.

The claimant left her position with the employer to work for another employer. When an employee quits work to take other employment, she is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. She 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 February 16, 2021, 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 she quit to take other employment. The employer will not be charged.



Beth A. Scheetz
Administrative Law Judge

May 13, 2021
Decision Dated and Mailed

bas/ol