

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELE HEIMER**  
Claimant

**APPEAL NO: 06A-UI-08470-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOOD SAMARITAN SOCIETY INC**  
Employer

**OC: 07-16-06 R: 02**  
**Claimant: Respondent (4)**

Section 96 5-2-a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the August 14, 2006, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 14, 2006. The claimant participated in the hearing. Austin Blielie, Administrator, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left to accept employment elsewhere.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time staff development/QA Coordinator/Nurse for Good Samaritan Society from July 25, 2001 to August 25, 2006. Her hours as staff development manager were being cut from 32 hours to 24 hours to 20 hours and sometimes as few as 12 hours per week and the employer was offering her more nursing shifts but the claimant preferred to work in staff development. As a result of the change in hours the claimant looked for work elsewhere and was able to secure full-time employment in Mason City, where she is still employed. She voluntarily left her employment August 25, 2006.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's hours were cut and then she voluntarily left her employment to accept employment elsewhere.

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.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, she did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of Good Samaritan Society shall not be charged, beginning the week ending July 29, 2006.

**DECISION:**

The August 14, 2006, reference 01, decision is modified in favor of the appellant. The claimant was not working the same hours and wages before she left to accept employment elsewhere. Benefits are allowed, provided the claimant is otherwise eligible. The employer's account shall not be charged after the week ending July 29, 2006.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/cs