

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRACY L JENKS
Claimant

APPEAL 21A-EUCU-00005-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPORTS CONNECTION INC
Employer

OC: 03/01/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Tracy L Jenks, the claimant/appellant, filed an appeal from the December 7, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on February 11, 2021. Ms. Jenks participated and testified. The employer participated through Nate Krapfl, production supervisor.

ISSUE:

Did Ms. Jenks voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Jenks began working for the employer on July 12, 2019. She worked as an on-call, temporary employee helping make t-shirts. Ms. Jenks' last day was August 20, 2019.

Ms. Jenks and the employer agreed that her employment would end because she had accepted a new job at Cascade Farm & Hardware LLC. Ms. Jenks began employment at Cascade Farm & Hardware LLC on August 26, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Jenks' separation from employment does not disqualify her for benefits.

Iowa Code § 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.

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.

In this case, Ms. Jenks quit to accept other and better employment at Cascade Farm & Hardware LLC. Ms. Jenks quit the employer in this matter and soon thereafter began working for Cascade Farm & Hardware LLC. While Ms. Jenks did voluntarily quit, she is not disqualified from receiving benefits. Benefits are allowed and should be charged to the unemployment compensation fund.

DECISION:

The December 7, 2020, (reference 01) unemployment insurance decision is reversed. Ms. Jenks voluntarily left her employment but she is not disqualified from benefits. Benefits are allowed, provided she is otherwise eligible, and shall be charged to unemployment compensation fund. Any benefits claimed and withheld on this basis shall be paid.



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February 25, 2021
Decision Dated and Mailed

dz/scn