

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE YORK
Claimant

JOHNSON GAS APPLIANCE CO
Employer

APPEAL 20A-UI-08224-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 12, 2020, the claimant filed an appeal from the July 9, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 25, 2020. Claimant participated. Employer participated through Amy Woodward.

ISSUE:

Did claimant quit with good cause attributable to her employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in November 2017. Claimant last worked as full-time Inside Sales and Customer Services. Claimant was separated from employment on March 19, 2020, when she resigned to take another job. Claimant provided her employer a two-day notice of her intent to resign. Claimant obtained another job with Crescent Electric Company that provided her more pay and more responsibility. Claimant worked at Crescent Electric Company for about 40 days before that employment ended.

REASONING AND CONCLUSIONS OF LAW:

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.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. 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. No charge shall accrue to the account of the former voluntarily quit employer.

Claimant quit her employment with Johnson Gas Appliance Company to obtain a better job. I find that claimant resigned to accept a job that was better employment for her. Claimant worked for the new employer. I find that claimant's quit does not disqualify the claimant pursuant to Iowa Code section 96.5(1)a.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 9, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are awarded, provided she is otherwise eligible. No charge shall accrue to the account of the former voluntarily quit employer.



James F. Elliott
Administrative Law Judge

August 28, 2020
Decision Dated and Mailed

je/sam