

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHELSI L HUPPERT**  
Claimant

**APPEAL NO. 13A-UI-11089-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAVE'S PLACE LLC**  
Employer

**OC: 09/08/13**  
**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated September 27, 2013, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on October 22, 2013, by telephone conference call. The claimant participated personally. The employer participated by Jean Davis, human resources coordinator. The record consists of the testimony of Chelsi Huppert; the testimony of Jean Davis; and Employer's Exhibits A-C.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a residential care facility for individuals with mental illness. The claimant was hired on April 17, 2011. She was a full-time certified nursing assistant. Her last day of work was July 30, 2013. She voluntarily resigned her position on July 30, 2013, in order to accept another job. She started that job on August 5, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The claimant is not disqualified from receiving benefits as a result of this separation of employment. She quit her job with the employer for the sole purpose of accepting other or better employment and she performed services with the new employment. This employer will not be charged for benefits paid. The wage credits earned with this employer shall be charged to the unemployment compensation fund.

**DECISION:**

The decision of the representative dated September 27, 2013, reference 01, is modified in favor of the appellant. She is not disqualified from receiving benefits as a result of the separation of employment with this employer. Any wage credits earned with this employer are charged to the unemployment compensation fund. The claimant must meet all other eligibility requirements in order to receive unemployment insurance benefits.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs