

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SARAH L KERSEVICH**  
Claimant

**APPEAL 16A-UI-06807-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA PHYSICIANS CLINIC MEDICAL**  
Employer

**OC: 05/22/16  
Claimant: Appellant (4)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 14, 2016, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on July 7, 2016. The claimant Sarah Kersevich participated and testified. The employer, Iowa Physicians Clinic Medical, participated through human resource business partner, Alicia Simms. Claimant's Exhibit A was received into evidence.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a nurse practitioner from April 2, 2013, until this employment ended on April 7, 2016, when she voluntarily quit.

On February 11, 2016, claimant gave the employer notice that she was voluntarily resigning, as she had accepted a full-time position with another employer. Claimant received a letter from the new employer on February 12, 2016, confirming that she was offered and accepted a position. (Exhibit A). Claimant informed her current employer that her last day would be April 7, 2016. Claimant continued to work for her current employer until this date. Claimant started her position with the new employer on April 11, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) 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. The employment does not have to be covered employment and does not include self-employment.

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 left her position with the employer to accept another full-time position. Claimant began work at her new job on April 11, 2016. Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer before being separated from the new employment. Accordingly, benefits are allowed, provided the claimant is otherwise eligible, and the account of the employer shall not be charged.

**DECISION:**

The June 14, 2016, (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 320742-000) shall not be charged.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/pjs