

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTINE SWANSON
Claimant

APPEAL 21A-UI-14744-ML-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHILDREN AND FAMILIES OF IOWA
Employer

**OC: 04/04/21
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the June 22, 2021, (reference 01) unemployment insurance decision that held claimant was ineligible for unemployment insurance benefits. A telephone hearing was held on August 25, 2021. The parties were properly notified of the hearing. Claimant, Christine Swanson, participated personally. Lisa Galetich provided testimony on Claimant's behalf. Employer, Children and Families of Iowa, participated through Paige Wonderly and Sharon Haning. The administrative law judge took official notice of the administrative record.

ISSUES:

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 an accounting specialist from January 3, 2017, to January 15, 2021, when she voluntarily quit. Paige Wonderly was claimant's immediate supervisor.

Claimant submitted her two-week notice to Employer on or about January 1, 2021. Prior to quitting her employment with Employer, the claimant had been offered and had accepted a full-time position with LWB Financial. She began working for the new employer on January 18, 2021. She worked for LWB Financial between January 18, 2021, and March 4, 2021.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code §96.5(1) 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.

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

Voluntary quit requalification 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.

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 the employment in order to accept other employment but she was separated before having started the new employment. As such, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The June 22, 2021 (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 shall not be charged.



Michael J. Lunn
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September 17, 2021
Decision Dated and Mailed

mjl/ol