

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KELLY M LOONEY**  
Claimant

**APPEAL NO: 11A-UI-11297-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE IOWA CLINIC PC**  
Employer

**OC: 07/24/11  
Claimant: Appellant (4)**

Iowa Code § 96.5(1)a – Quit for Other Employment

**STATEMENT OF THE CASE:**

The claimant appealed a representative's August 15, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits.

Both parties agreed a telephone hearing could be held on October 6 at 8 a.m. On October 6, both the claimant and the employer were called, but neither party was available for the hearing. While the parties responded to the message left by the administrative law judge, neither responded timely. Both parties were told a decision would be made based on the information in the administrative record. Based on the administrative record and the law, the administrative law judge finds the claimant qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in October 2010. The claimant had been working at Iowa Health before the employer hired her. The claimant worked for the employer until July 8, 2011.

In June 2011, the claimant applied for a job at Iowa Health and was offered a job as an emergency room CNA. The claimant accepted Iowa Health's July 1 job offer and then gave the employer her resignation effective July 8.

The claimant attended an "on boarding" meeting for the Iowa Health job on July 5. She was scheduled to start working on July 20. On July 5, the claimant learned she had to complete some tests and undergo a physical. The claimant completed the tests, but a doctor who the claimant never saw or knew gave the claimant a weight restriction of 20 pounds because she was pregnant. The claimant's physician told the claimant she could work and did not give her any weight restrictions.

On July 25, the claimant learned Iowa Health rescinded their offer of work. Iowa Health did not give the claimant any explanation for rescinding her employment as an Emergency Room CNA. The claimant established a claim for benefits during the week of July 24, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). If claimant quits for better or other employment, she is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a, 871 IAC 24.28(5).

The record establishes the claimant did not submit her resignation until Iowa Health offered her a job on July 1. She accepted the job offered as an Emergency Room CNA on July 1. Iowa Health scheduled her to start working on July 20. Under this scenario, the claimant quit for reasons that do not disqualify her from receiving benefits and the employer's account will not be charged. As of July 24, 2011, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements.

**DECISION:**

The representative's August 15, 2011 determination (reference 01) is modified in the claimant's favor. The claimant voluntarily quit her employment, but she quit after she accepted a job offer from Iowa Health. In this case, the claimant is qualified to receive benefits as of July 24, 2011, provided she meets all other eligibility requirements. The employer's account will not be charged since the claimant quit to work for another employer.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/pjs