

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CADE P HILLYER
Claimant

APPEAL NO. 20A-UI-13302-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 03/22/20
Claimant: Appellant (4)

Iowa Code Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

Cade Hillyer filed a timely appeal from the October 15, 2020, reference 01, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that Mr. Hillyer voluntarily quit effective March 1, 2020 without good cause attributable to the employer. After due notice was issued, a hearing was held on December 17, 2020. Mr. Hillyer participated and presented testimony through Katrina Scott and Jordan Riherd. Janette Kruse represented the employer. The administrative law judge took official notice of the quarter wage reports (WAGE-A) and the database readout (DBRO).

ISSUES:

Whether the claimant voluntarily quit the employment without good cause attributable to the employer.

Whether the claimant voluntarily quit for the purpose of accepting other or better employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Cade Hillyer was employed by Casey's Marketing Company as a part-time store associate from 2018 until February 28, 2020, when he voluntarily quit to accept another job at Huckleberry Entertainment. Mr. Hillyer began the new employment on March 1, 2020. Mr. Hillyer had become dissatisfied with various aspects of his employment with Casey's, primarily with his relationship with his supervisor. A January 2, 2020 reprimand for attendance was a factor in the voluntary quit, but Mr. Hillyer had been looking forward for some time to the opportunity to become a lifeguard at Huckleberry Entertaining. The new employment offered a lower wage, but preferred work duties, a similar number of hours, and the added bonus of friends who already worked for new employer. Casey's continued to have work for Mr. Hillyer at the time he separated from the employment.

REASONING AND CONCLUSIONS OF LAW:

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

Iowa Code section 96.5(1)(a) provides as follows:

Causes for disqualification.

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.

Mr. Hillyer voluntarily quit the employment without good cause attributable to the employer. Accordingly, that employer's account will not be charged for benefits. Because Mr. Hillyer quit to accept other employment, the quit from Casey's does not disqualify him for unemployment insurance benefits. Mr. Hillyer is eligible for benefits, provided he meets all other eligibility requirements.

DECISION:

The October 15, 2020, reference 01, decision is modified in favor of the claimant/appellant as follows. The claimant voluntarily quit the employment without good cause attributable to the employer to accept other employment. The quit was effective February 28, 2020. The claimant is eligible for benefits, provided he meets all other eligibility requirements. The employer's account will not be charged for benefits. Wage credits earned from the Casey's employment shall be charged to the unemployment compensation fund.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

December 31, 2020
Decision Dated and Mailed

jet/scn