

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOYCE ULRICH-SMITH
Claimant

HY-VEE INC
Employer

APPEAL 21A-UI-00461-SN-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/16/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 19, 2020, (reference 01) unemployment insurance decision that denied benefits based upon the conclusion she voluntarily quit work on August 16, 2020. The parties were properly notified of the hearing. A telephone hearing was held on February 8, 2021. The claimant participated. The employer participated through Human Resources Manager Staci Wahl. The administrative law judge took official notice of the administrative records.

ISSUE:

Whether the claimant's voluntary quit was with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed part-time time as a pharmacy clerk from March 9, 2020, until this employment ended on May 8, 2020, when she quit. The claimant's immediate supervisor was Pharmacy Manager Bryan Vanderlinden.

On May 8, 2020, the claimant submitted her resignation to Ms. Wahl. The claimant informed Ms. Wahl that she had secured a secretary position at First Lutheran Church.

On May 15, 2020, the claimant began her work at First Lutheran Church.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 96.5(1) provides:

An individual shall be disqualified for benefits:

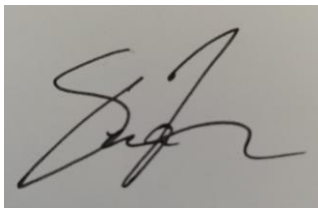
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

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 quit because she had obtained a position at First Lutheran Church. She subsequently performed work for this employer. As a result, the claimant quit without good cause attributable to the employer. However, as outlined above, the claimant is still entitled to benefits because she performed work for the subsequent employer.

DECISION:

The November 19, 2020, (reference 01) unemployment insurance decision is modified with no change in effect. The claimant's separation was not attributable to the employer, but she is not disqualified from benefits because she secured employment and performed services for the subsequent employer.



Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

February 22, 2021
Decision Dated and Mailed

smn/mh