

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

BRENDA A COOK

Claimant

and

SYSTEMS UNLIMITED INC

Employer

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HEARING NUMBER: 20B-UI-06287

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

Brenda Cook (Claimant) worked for Systems Unlimited from September 21, 2017 until she quit on November 22, 2019 to take a job in Tennessee. After quitting she did work that job. She subsequently experienced a period of unemployment and filed an initial claim for benefits during the week starting on May 17, 2020.

REASONING AND CONCLUSIONS OF LAW:

This case involves a voluntary quit. Iowa Code Section 96.5(1) states:

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.

Even where a claimant quits but without good cause attributable to the employer the claimant may nevertheless collect benefits under certain circumstances. One of this is where the quit is for the purpose of accepting other employment. On this issue the Code provides:

- 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 Code §96.5(1)(a). Here the Claimant began looking for other work in Tennessee because she wanted to live there. But she only quit when she had another job. We think this satisfies the requirements of the statute, and benefits are allowed.

Finally, in cases of quitting for different employment “[b]enefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund.” Iowa Code §95.5(1)(a). The upshot is that Systems Unlimited will not be charged for any benefits that we allow today. Since Systems Unlimited was the employer whom the Claimant quit in order to take another job under the law **Systems Unlimited’s account may not be charged** with benefits paid to the Claimant. Iowa Code §96.5(1)(a); 871 IAC 23.43(5)(no charge to prior employer when quit for other or better job).

DECISION:

The administrative law judge’s decision dated July 28, 2020 is **REVERSED**. The Employment Appeal Board concludes that the Claimant was not separated from employment in a manner that would disqualify the Claimant from benefits. Accordingly, the Claimant is allowed benefits **provided** the Claimant is otherwise eligible. Systems Unlimited will not be charged.

Ashley R. Koopmans

James M. Strohman

Myron R. Linn