

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

TIFFIE N GREER
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WATERLOO IA 50701

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Appeal Number: 04A-UI-07371-DWT
OC: 06/06/04 R: 03
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

Tiffie N. Greer (claimant) appealed a representative's June 30, 2004 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Care Initiatives (employer) would not be charged because the employer discharged the claimant for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 7, 2004. The claimant participated in the hearing with her attorney, Cindy Rybolt. Roxanne Bekaert, an attorney, represented the employer. Allen Blakestad, Shanda Shears, and Teresa Hardy appeared on the employer's behalf. During the hearing, Employer's Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on November 3, 2003. The claimant worked as a part-time certified nursing assistant about 24 hours a week. When the claimant started working, she went through an employee orientation. In the orientation, the employer told the claimant she needed to complete training in dependent adult abuse by May 3, 2004.

There was a two-hour training class for dependent adult abuse on March 31 and April 19, 2004. The claimant did not attend either training session. On May 25, the employer told the claimant she had to attend training on May 27 or the employer would no longer schedule her. On May 25, the claimant gave the employer her two-week resignation notice. The claimant had an opportunity to work full-time at her other part-time job and decided to accept the full-time job offer.

On May 25, the employer did not know what time the May 27 training was scheduled. The claimant did not find out when the training was to be held on May 27. When the claimant did not attend the May 27 training, the employer did not schedule her for any more hours.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant quit on May 25, when she gave her two-week notice. The claimant intended to work until June 4 or 8, 2004.

When a claimant quits to accept or other or better employment, she is not disqualified from receiving unemployment insurance benefits, and the employer's account will not be charged. Iowa Code §96.5-1-a. The claimant did not file a claim until the week of June 6, 2004, or the effective date of her resignation. Therefore, the employer's reasons for not scheduling the claimant to work after May 27 is not relevant because the claimant did not file any claims during this period. Since the claimant quit this employment for other or better employment, she is not disqualified from receiving unemployment insurance benefits. Also, the employer's account will not be charged.

DECISION:

The representative's June 30, 2004 decision (reference 03) is modified in the claimant's favor. The employer did not discharge the claimant. Instead, the claimant voluntarily quit her employment to accept other or better employment. Therefore, as of June 6, 2004, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account will not be charged.

dlw/b