

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARGET A MOREHOUSE
Claimant

APPEAL NO. 09A-UI-05868-E2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 02/08/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 8, 2009, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 12, 2009. Claimant participated and was represented by Joe Basque, Attorney at Law. Employer participated by Kellie Jimerson and was represented by Lynn Corbeil. Exhibits One and A were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 14, 2008. The last day she was physically present at her employer was September 24, 2008. The claimant called her employer on October 14, 2008 and quit. The claimant obtained a job offer before she quit and was employed in Montana as a traveling nurse. The claimant did work for that new employer and earned wages.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after her separation from work.

Iowa Code section 96.5-1-a 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 left her position with the employer to work for another employer. When an employee quits work to take other employment, she is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

DECISION:

The decision of the representative dated April 8, 2009, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. The employer will not be charged.

James Elliott
Administrative Law Judge

Decision Dated and Mailed

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