

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KATIE GINGER
Claimant

MERCY HEALTH SERVICES IOWA CORP
Employer

APPEAL 21A-UI-01549-SN-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (2)

Iowa Code § 96.5(1)a – Voluntary Quit for Another Employer

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 14, 2020, reference 01, unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on February 22, 2021, at 10:00 a.m. Claimant participated and testified. Employer participated through Hearing Representative Rachelle McKinney, Labor Relations Senior Partner Beckie Wahlberg and Director Clinical Access Misty Dulin. The administrative law judge took official notice of the agency records. Exhibits A, 1, 2, and 3 were admitted into the record.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without 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 full-time as a clinic licensed practicing nurse from October 26, 2016, and was separated from employment on June 19, 2020, when she quit.

On June 6, 2020, the claimant submitted her resignation to Executive Director of Critical Access Rob Stowe, Director Clinical Access Misty Dulin, and Office Manager Deb Prins via a letter that she had accepted a position at LHI United Health Care as a telecommute LPN clinic care coordinator. The employer and the claimant provided a copy of this resignation notice. (Exhibit A)

The claimant had a job offer in hand when she resigned. On June 22, 2020, the claimant began working LHI United Health Care as a LPN clinic care coordinator.

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, regardless of the source of the individual's wage credits:

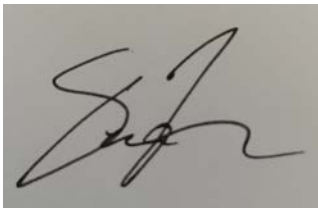
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

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. She voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

DECISION:

The representative's decision December 14, 2020 (reference 01) is reversed. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because she quit, in order to accept an offer from another employer. The claimant then provided services to the subsequent employer. The employer will not be charged.



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

March 2, 2021
Decision Dated and Mailed

smn/scn