

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LESLIE R OAKS
Claimant

APPEAL NO: 11A-UI-10494-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOUNTAIN WEST HEALTH CENTER INC
Employer

OC: 07/03/11
Claimant: Appellant (4)

Section 96.5-1-a – Voluntary Quit/Other-Better Employment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 29, 2011, reference 01, that held she voluntarily quit employment without good cause attributable to the employer on June 25, 2011, and benefits are denied. A telephone hearing was held on August 30, 2011. The claimant participated. Joyce Giesking, D.O.N., participated for the employer. Employer Exhibit One was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began work on October 13, 2009, and last worked as a full-time C.N.A. on June 25, 2011. Claimant submitted a written resignation to the employer that her last day would be June 25, as she accepted a \$5 an-hour better paying job thru the Palmer Group to work as a mortgage closer that would begin on June 29. The employer accepted the resignation.

On June 30, a Palmer Group representative called claimant to say that the position offered was not available at that time, but it would try to place claimant at a later date. Claimant filed her unemployment claim, and she began searching for work. Palmer Group was able to place claimant with the mortgage closer position beginning July 18, 2011 at the rate of pay previously stated.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 administrative law judge concludes that the claimant voluntarily quit employment with good cause due to leaving for better employment effective July 3, 2011. No employer's account is charged with benefits paid to claimant.

A quitting for better employment is not disqualifying and no employer's account is charged for benefits. This is not a situation where the claimant elected a voluntary period of unemployment by waiting to go to work at a future date. The employment date was moved by the future employer after claimant had resigned. The claimant did search for other work in the event the Palmer Group could not place her.

DECISION:

The department decision dated July 29, 2011, reference 01, is modified. The claimant voluntarily quit with good cause for better employment effective July 3, 2011. Benefits are allowed, provided the claimant is otherwise eligible. No employer's account is charged.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs