

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA T WILLIAMS

Claimant

APPEAL NO. 07A-UI-10049-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROADLAWNS MEDICAL CENTER

Employer

**OC: 09/30/07 R: 02
Claimant: Respondent (4)**

Section 96.5-1-a – Voluntary Quit, New Job

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of representative dated October 23, 2007, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice was issued, a telephone conference hearing was scheduled for and held on November 14, 2007. The claimant participated. Participating as witnesses for the claimant were Nancy Perry and Susan Wilcox. The employer participated by Rich Barrett, in-house counsel, and witness Michelle Bouma.

ISSUE:

At issue in this matter is whether the claimant quit for good cause attributable to the employer and whether the employer's experience account is subject to charging.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Williams was employed by Broadlawns Medical Center from January 15, 2000, until July 13, 2007, when she voluntarily quit to accept other employment. Ms. Williams held the position of access representative and was paid by the hour. Her immediate supervisor was Michelle Bouma.

The claimant quit her employment with Broadlawns Medical Center after providing a one-month notice of her intention to leave. The date of the claimant's leaving coincided with her acceptance of new employment on a full-time basis performing clerical duties for a different employer. Prior to leaving her employment, Ms. Williams had become generally dissatisfied with her work, reasonably believing that she had been required to perform her work without sufficient assistance. Although the claimant had repeatedly brought to the attention of management the need for more help in her work area, the claimant did not inform the employer that she would leave employment if her work circumstances did not change. Work continued to be available to the claimant at the time of her leaving.

REASONING AND CONCLUSIONS OF LAW:

The evidence in this case establishes that the claimant's reason for leaving her employment on July 13, 2007, was for the sole purpose of accepting other or better employment, which Ms. Williams did accept and the claimant did perform services in the new employment. Although the claimant had general dissatisfaction with her employment at Broadlawns Medical Center, Ms. Williams did not give notice to that employer of the reasons for quitting and thus did not give that employer an opportunity to address or resolve her complaints or dissatisfactions prior to leaving employment. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

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.

For the reasons stated herein, the administrative law judge concludes that the claimant shall not be disqualified from benefits, as she left her employment in good faith for the sole purpose of accepting other or better employment, which the claimant did accept and the claimant did perform services for the new employer. Benefits relating to wage credits earned with Broadlawns Medical Center shall be charged to the Unemployment Compensation Fund.

DECISION:

The representative's decision dated October 23, 2007, reference 01, is affirmed as modified. The claimant left employment for the sole purpose of accepting other or better employment. Benefits relating to wage credits earned with this employer shall be charged to the Unemployment Compensation Fund.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw