

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**ELISABETH M BLOEMKER**  
Claimant

**APPEAL 20A-UI-15826-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PELLA REGIONAL HEALTH CENTER**  
Employer

**OC: 04/05/20**  
**Claimant: Appellant (4)**

---

Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Elisabeth M Bloemker, the claimant/appellant filed an appeal from the November 10, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 28, 2021. Ms. Bloemker participated and testified. The employer did not participate.

**ISSUE:**

Did Ms. Bloemker voluntarily quit without good cause attributable to the employer?  
Did Ms. Bloemker voluntarily quit to accept other or better employment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Bloemker began working for the employer in October 2019. She worked as a full-time registered nurse. Her last day of work was June 11, 2020, when she voluntarily resigned.

Ms. Bloemker also worked part-time at a bike shop. In March 2020, the United States declared a public health emergency because of the COVID 19 pandemic. On May 21, 2020, Ms. Bloemker gave the employer a notice of intention to resign on June 11, 2020. The employer accepted the notice. Ms. Bloemker resigned to accept an offer to work full-time at the bike shop. Ms. Bloemker accepted the bike shop offer because it was better employment for her due to her concerns about the pandemic.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Ms. Bloemker voluntarily quit without good cause attributable to the employer to accept other employment.

Iowa Code section 96.5(1) 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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In this case, Ms. Bloemker offered and the employer accepted her resignation effective June 11, 2020. She voluntarily quit without good cause attributable to the employer. Accordingly, the employer's account will not be charged for benefits. Because Ms. Bloemker quit to accept other employment, the quit from this employer does not disqualify her for unemployment insurance benefits. Ms. Bloemker is eligible for benefits, provided she meets all other eligibility requirements.

**DECISION:**

The November 10, 2020, (reference 01) unemployment insurance decision is modified in favor of the appellant, Ms. Bloemker. Ms. Bloemker voluntarily quit employment without good cause attributable to the employer to accept other employment. The quit was effective June 11, 2020. Ms. Bloemker is eligible for benefits, provided she meets all other eligibility requirements. The employer's account shall not be charged for benefits.



---

Daniel Zeno  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

February 11, 2021  
Decision Dated and Mailed

dz/kmj