

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SARAH EYCLERS

Claimant

APPEAL 20A-UI-08331-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLEN MEMORIAL HOSPITAL

Employer

OC: 04/26/20

Claimant: RESPONDENT (1)

Iowa Code § 96.5(1) – Voluntary Quit

Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits

Federal Law PL 116-136 Sec. 2104 – Federal Pandemic Unemployment Compensation
Overpayment

871 IA Admin. Code 24(10) – Employer Participation in Fact Finding

STATEMENT OF THE CASE:

On July 13, 2020, the employer filed an appeal from the July 8, 2020, (reference 02) unemployment insurance decision that awarded benefits based on no evidence of misconduct. The parties were properly notified about the hearing. A telephone hearing was held on August 28, 2020. Claimant participated. Employer participated through Mary Peterson, HR Business Partner.

ISSUES:

Whether claimant quit employment with good cause?

Whether claimant was overpaid benefits?

If claimant was overpaid benefits, should claimant repay benefits or should employer be charged due to employer's participation or lack thereof in fact finding?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on January 6, 2020. Claimant last worked as a full -time RN. Claimant was separated from employment on January 31, 2020 when Allen Hospital and Unity Point created a new entity called the Ambulatory Surgery Center at United Medical Park (Surgery Center). The claimant's work did not change when she started working for the Surgery Center. Claimant continued the same work she performed for Allen Hospital.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit to accept other employment. Benefits are allowed provided claimant is otherwise eligible. Employer's account shall not be charged.

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 Page 2 Appeal 20A-UI-08041-AW-T 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.

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.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. 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. No charge shall accrue to the account of the former voluntarily quit employer.

Claimant transition to the Surgery Center was for better employment. Even though the separation was without good cause attributable to employer and would, standing alone, disqualify claimant from receiving benefits, claimant did transition to another employer in order to accept other employment and performed services for the subsequent employer. Therefore, benefits are allowed and employer's account shall not be charged.

As claimant is eligible for unemployment the overpayment issues are moot and do not need to be decided.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 8, 2020, (reference 02) unemployment insurance decision is affirmed. Benefits are awarded, provided she is otherwise eligible. No charge shall accrue to the account of the former voluntarily quit employer.



James F. Elliott
Administrative Law Judge

August 31, 2020
Decision Dated and Mailed

je/scn