

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSENIA L FARIAS
Claimant

BROCK SERVICES LLC
Employer

APPEAL 15A-UI-13834-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/15/15
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Jessenia Farias (claimant) filed an appeal from the December 7, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination she quit for other employment but the records show she did not obtain other employment which was not a good-cause attributable to Brock Services, LLC (employer). The parties were properly notified about the hearing. A telephone hearing was held on January 11, 2016. The claimant participated through interpreter, Ricardo (employer number 6454) from CTS Language Link. The employer participated through Human Resources Administrator Sophia Martinez.

ISSUE:

Did the claimant voluntarily quit her employment with 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 helper beginning on August 27, 2015, and was separated from employment on October 14, 2015, when she quit. The claimant experienced issues with her supervisor at work and searched for a new job. The claimant accepted a new job with another employer and submitted her two-week notice. The claimant began by her new job by attending orientation. After orientation, she was told her position was on hold.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere. Benefits are allowed.

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 § 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.

Even though the separation might have been without good cause attributable to the employer and could, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer as she attended orientation. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The December 7, 2015 (reference 01) decision is reversed. The claimant voluntarily left her employment in order to accept other employment which she did start. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 011390) shall not be charged.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/css