

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MISTY D CALE**  
Claimant

**THE EASTER SEAL SOCIETY OF IA INC**  
Employer

**APPEAL 15A-UI-01099-JCT**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 12/28/14**  
**Claimant: Appellant (4)**

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Iowa Code § 96.5(1)a – Voluntary Quitting – Other Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 22, 2015, (reference 02) unemployment insurance decision that denied benefits based upon the claimant's separation. The parties were properly notified about the hearing. A telephone hearing was held on February 18, 2015. The claimant participated. The employer participated through Sara Hardy and Cassady Lecroy.

**ISSUE:**

Did the claimant voluntarily quit 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 an assistant teacher and was separated from employment on August 29, 2014, when she voluntarily resigned. Continuing work was available.

The claimant tendered her resignation letter on August 22, 2014. The claimant was upset that she was making \$9.10 per hour and had not been given a 90 day review with a raise. The employer did not give the claimant a raise because she had 34 tardies and attendance infractions within her first 90 days of employment. The claimant accepted a new position for the Seldin Company, and was to be paid \$12.00 per hour plus commission. The claimant did not work out her resignation period after an incident on her final day of work involving break relief when she texted the employer and said she would not return to work.

**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.

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.

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.

The claimant accepted new employment after not receiving a raise from the employer. Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment at Seldin Company, and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The January 22, 2015, (reference 02) decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

jlc/pjs