

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CONNIE J EDMUNDSON**  
Claimant

**IMAGINE THE POSSIBILITIES INC**  
Employer

**APPEAL 20R-UI-07240-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (4)**

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Iowa Code § 96.5(1)a – Voluntary Quitting – Other Employment  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the April 30, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. Note: Since filing the claim for unemployment insurance benefits, the claimant’s name has legally changed to Connie Schmitt.

A first hearing was scheduled for May 27, 2020. The appeal was dismissed when the claimant failed to appear. After successfully requesting reopening to the Employment Appeal Board, the matter was remanded for a new hearing.

The parties were properly notified about the hearing. A telephone hearing was held on August 11, 2020. The claimant participated personally. The employer registered Shara Muller, who was unavailable when called and did not participate.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

Note to Claimant: To change your name on file, contact [UIClaimshelp@iwd.iowa.gov](mailto:UIClaimshelp@iwd.iowa.gov) and provide proof of your name change.

**ISSUES:**

Did claimant voluntarily quit for other employment?  
Has the claimant been overpaid any unemployment insurance benefits?  
Is the claimant eligible for Federal Pandemic Unemployment Compensation?

## **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 staff employee ("ICF") beginning in March 2019 and was separated from employment on February 25, 2020.

The claimant was hired on a full-time basis but requested around December 2, 2019 to move to part-time basis because she was moving back home while going through personal, family issues and wanted to accept full-time employment with Cedar Valley Vet Clinic.

The claimant stated she was moving but would come back and work two weekends a month. The employer agreed to the arrangement and the claimant did work her two weekends in December 2019. She did not work in January or February for this employer and was told since she was not working the weekends as agreed, separation had occurred. The claimant later separated from Cedar Valley Vet Clinic and that separation has been addressed by the Benefits Bureau in the reference 01 decision.

Despite being denied benefits after the initial fact-finding, the decision was made by Iowa Workforce Development to release funds of claimants while their claims were pending due to the backlog caused by the recent COVID 19 outbreak. Claimant was one of the individuals whose funds were released pending the initial decision. The administrative record shows, claimant filed for and received a total of \$1,770.00 in unemployment insurance benefits for the weeks between March 22, 2020 and April 25, 2020.

The claimant also received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC). Claimant received \$2,400.00 in federal benefits for the four-week period ending April 25, 2020.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In this case, the claimant voluntarily quit the employment to accept full-time employment at Cedar Valley Vet Clinic. 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 and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

Because the claimant is allowed benefits, there is no overpayment of benefits. The claimant is also eligible for FPUC pursuant to PL116-136, Sec. 2104.

**DECISION:**

The April 30, 2020 (reference 02) initial decision is modified in favor of the claimant. The claimant quit for other employment. Benefits are allowed, provided she is otherwise eligible. This employer is not charged for benefits. The claimant has not been overpaid benefits and is eligible for FPUC.



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August 18, 2020  
Decision Dated and Mailed

jlb/scn