

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KIMBERLY ATCHISON**  
Claimant

**RACHEL RUEPKE**  
Employer

**APPEAL 19A-UI-08208-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/29/19**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On October 22, 2019, Kimberly Atchison (claimant) filed an appeal from the October 18, 2019 (reference 01) unemployment insurance decision that claimant was not eligible to receive unemployment insurance benefits because claimant voluntarily quit without good cause attributable to the employer.

A telephone hearing was held on November 7, 2019 at 9:00 a.m. The parties were properly notified of the hearing. The claimant participated personally. Owner Rachel Ruepke participated on behalf of employer.

**ISSUE:**

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was employed by employer as a part-time cook from approximately July 1, 2018 until July 25, 2018, at which time claimant quit. Claimant quit to accept full-time employment at South Central Co-op. She began employment at South Central Co-op on August 1, 2018. Claimant separated from employment with South Central Co-op in early September 2019.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the October 18, 2019 (reference 01) unemployment insurance decision is reversed. Claimant is not disqualified from benefits due to her voluntary quitting without good cause attributable to the employer.

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.

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.

## **DECISION:**

The October 18, 2019 (reference 01) unemployment insurance decision is reversed. The claimant left employment in good faith for the sole purpose of accepting other or better employment; the claimant did accept the new employment; and the claimant did perform services in the new employment. The claimant is therefore not disqualified from receiving unemployment insurance benefits based on her voluntary quitting.

Furthermore, benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund rather than the employer's account.

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Andrew B. Duffelmeyer  
Administrative Law Judge

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Decision Dated and Mailed

abd/scn