

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ASHTON M VANHORN
Claimant

APPEAL 21A-UI-18774-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CATHOLIC HEALTH INITIATIVES
Employer

**OC: 07/11/21
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 24, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. A hearing was scheduled for October 13, 2021, but proper notice was not issued, so the hearing was rescheduled. After due notice was issued, a telephone hearing was held on November 3, 2021. Claimant Ashton M. Vanhorn participated and testified. Employer Catholic Health Initiatives did not register for the hearing and did not participate. Claimant's Exhibit A was admitted.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a patient access representative from July 2016, until April 9, 2021, when she quit. Claimant obtained a new job with Target CW. She put in a four-week notice with this employer in March 2021, and employer accepted the resignation. Her last day working with this employer was April 9, 2021. Claimant began her new position on April 13, 2021. She was separated from her employment with Target CW on June 20, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment is not disqualifying.

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.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

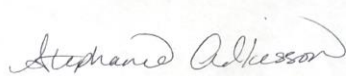
Iowa Admin. Code r. 871-23.43(5) provides:

(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 voluntarily quit her position to accept better employment. As such, the claimant's voluntarily quit was not disqualifying because she quit for the sole purpose of accepting an offer of other employment. Accordingly, benefits are allowed, provided the claimant is otherwise eligible, and the account of this employer shall not be charged.

DECISION:

The August 24, 2021, (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant's separation from employment with this employer is not disqualifying because she voluntarily quit for the sole purpose of accepting better employment. The employer's account shall not be charged. Benefits are allowed effective July 11, 2021, provided claimant is otherwise eligible.



Stephanie Adkisson
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December 1, 2021
Decision Dated and Mailed

sa/mh