

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**AMY R REED**  
Claimant

**APPEAL NO. 07A-UI-03806-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BRIDGEPORT INN**  
Employer

**OC: 02/11/07 R: 12  
Claimant: Appellant (4)**

Section 96.5(1) – Voluntary Quit  
871 IAC 24.27 – Voluntary Quit of Part-time Employment

**STATEMENT OF THE CASE:**

Amy Reed filed a timely appeal from the April 4, 2007, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on May 4, 2007. Ms. Reed participated. Supervisor Charlene Stodola represented the employer.

**ISSUE:**

Whether the claimant voluntarily quit her part-time employment for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Amy Reed was employed as a part-time housekeeper from July 11, 2005 until March 9, 2007, when she voluntarily quit to move to Kansas. When Ms. Reed quit, she thought she had a new job lined up in Kansas. However, Ms. Reed had had no direct contact with the employer and the tentative work relationship would have entailed Ms. Reed being paid out of her boyfriend's earnings, suggesting an independent contractor relationship rather than an employee-employer. At the time Ms. Reed quit, she wanted to immediately move to Kansas and the employer did not require a two-week notice from her. Employer continued to have work available for Ms. Reed.

Ms. Reed had established her claim for benefits on February 11 2007, based on partial unemployment, after her hours at Bridgeport had significantly decreased. The employer did not protest Ms. Reed's eligibility for the benefits based on the period of partial unemployment that ended March 9, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence in the record indicates that Ms. Reed quit to move to a different locality. The quit was without good cause attributable to the employer. 871 IAC 24.25(2). The evidence indicates that Ms. Reed had not actually accepted a bonafide offer of employment at the time she quit the employment with Bridgeport Inn. The quit was a disqualifying event. Accordingly, the employer's account will not be charged for benefits awarded subsequent to March 9, 2007.

Ms. Reed is disqualified for benefits based on wage credits she earned from Bridgeport Inn until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not requalified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits, may receive reduced benefits based on the other base period wages. See 871 IAC 24.27.

This matter will be remanded to a claims representative for redetermination of Ms. Reed's eligibility for reduced benefits based on base period wage credits earned from employers other than Bridgeport Inn, if any.

**DECISION:**

The claims representatives April 4, 2007, reference 03, decision is modified in favor of the claimant/appellant.

The claimant voluntarily quit the part-time employment without good cause attributable to the employer. The claimant is disqualified for benefits based on wage credits she earned from Bridgeport Inn until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits awarded after March 9, 2007.

This matter will be remanded to a claims representative for redetermination of the claimant's eligibility for reduced benefits based on base period wage credits earned from employers other than Bridgeport Inn, if any.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css