

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

PAMELA K SCHACK
Claimant

APPEAL NO. 19A-UI-01272-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KWIK TRIP INC
Employer

OC: 01/20/19
Claimant: Appellant (4)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Pamela Schack filed a timely appeal from the February 12, 2019, reference 01, decision that held she was disqualified for benefits and the employer's account would not be charged for benefits, based on the deputy's conclusion that Ms. Schack voluntarily quit on November 2, 2018 without good cause attributable to the employer. After due notice was issued, a hearing was held on February 27, 2019. Ms. Schack participated. Tami Snitker represented the employer. Exhibit A was received into evidence.

ISSUES:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

Whether the quit was from part-time supplemental employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Pamela Schack was employed by Kwik Trip, Inc. as a part-time Guest Service Coworker (clerk) from August 9, 2018 until October 28, 2018, the effective date of her voluntary quit. The employment provided 10-15 hours of work per week. The Kwik Trip employment was part-time supplemental in nature. Ms. Schack has other, full-time employment throughout her time with Kwik Trip. Ms. Schack quit the employment due to problems with standing for extended periods. The employer made reasonable accommodations and was willing to continue to provide reasonable accommodations at the time when Ms. Schack decided to leave the employment. Ms. Schack's decision to leave the employment was not based on advice from a licensed and practicing physician. In October 2018, Ms. Schack provided notice that she would be leaving the employment on a date certain in November 2018. However, Ms. Schack moved up her separation date and did not perform additional work after October 28, 2018.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) 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.

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 Iowa Administrative Code rule 871-24.25.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified 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 Iowa Administrative Code rule 871-24.27.

The evidence in the record establishes that Ms. Schack voluntarily quit the part-time supplemental employment for personal reasons and without good cause attributable to the employer. Accordingly, the employer's account will not be charged for benefits. Wage credits based on the part-time employment will be excluded from Ms. Schack's claim for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Schack is eligible for benefits based on other base period employment, provided she meets all other eligibility requirements.

DECISION:

The February 12, 2019, reference 01, decision is modified as follows. The claimant voluntarily quit the part-time supplemental employment without good cause attributable to the employer. The quit was effective October 28, 2018. The employer's account will not be charged for benefits. Wage credits based on the part-time employment will be excluded from the claimant's claim for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant is eligible for benefits based on other base period employment, provided she meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs