

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE A ANDERSEN
Claimant

APPEAL NO: 14A-UI-10693-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BLAZIN WINGS INC
Employer

OC: 09/14/14

Claimant: Respondent (4)

Section 96.5-1 – Voluntary Leaving
871 IAC 24.27 – Voluntary Quit of Part-time Job

STATEMENT OF THE CASE:

Blazin Wings, Inc. (employer) appealed a representative's October 3, 2014 decision (reference 01) that concluded Julie A. Andersen (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 4, 2014. The claimant participated in the hearing. Marcie Schneider of Equifax/TALX Employer Services appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a disqualifying reason?

OUTCOME:

Modified. Benefits allowed; employer's account relieved of charge.

FINDINGS OF FACT:

The claimant started working for the employer on June 19, 2013. She worked full time as a server at the employer's Mason City, Iowa restaurant. Her last day of full-time work was on or about April 30, 2014. She voluntarily quit her full-time position at that time because she had accepted other full-time employment with another employer.

The claimant and the employer subsequently agreed that the claimant would continue to work part time, one day per week. She worked on that basis beginning on or about May 4. Her last day of work on that basis was July 13, 2014. She voluntarily quit that part-time employment on July 27, 2014. Her reason for quitting at that time was that one day per week was not enough to make the employment worthwhile and she was otherwise occupied with her other full-time job to work any more hours with this employer.

The claimant established an unemployment insurance benefit year effective September 14, 2014 when her employment with the other employer came to a close.

REASONING AND CONCLUSIONS OF LAW:

There are two separations which must be examined; the separation from the full-time position on April 30, and the separation from the part-time position on July 27. If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1.

As to the April 30, 2014 separation, one reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge. The claimant did voluntarily quit the full-time employment on April 30 in order accept a bona fide offer of other employment. The claimant is not disqualified from receiving benefits as a result of her quit from her full-time employment with the employer in this case, but the employer's account will not be charged for benefits based on that employment.

As to the July 27, 2014 separation, the claimant voluntarily quit employment without good cause attributable to the employer.

Code 871 IAC 24.27 provides in pertinent part:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. ... benefit charges shall not be assessed against the part-time employer's account...

The claimant's job as of July 27, however, was part time, and the claimant has sufficient qualifying wages from her prior full-time employment to qualify to receive unemployment insurance benefits. The employer's account will not be subject to charge for benefits paid to the claimant.

DECISION:

The representative's October 3, 2014 decision (reference 01) is modified in favor of the employer. The claimant voluntarily left her employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css