

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KOREY A KOPPENHAVER
Claimant

L A LEASING INC/SEDONA STAFFING
Employer

APPEAL NO: 10A-UI-17735-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/21/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Part-time Employment Qualification

STATEMENT OF THE CASE:

The claimant appealed a department decision dated December 22, 2010, reference 02, that held he voluntarily quit part-time work without good cause attributable to the employer on November 19, 2010, but he is eligible for benefits relying on base-period employment wages. A telephone hearing was held on February 8, 2011. The claimant did not participate. Kathy Hutchinson, Branch Manager, and Colleen McGuinty, Representative, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant began work on his last job assignment on September 16, 2010, and completed it on November 19. The claimant failed to seek a further work assignment within three working days in violation of a company policy.

The department issued a decision dated January 17, 2011 that claimant voluntarily quit without good cause employment at Gazette Communications (#192831) effective May 26, 2010, and benefits are denied.

The claimant was not available at the number he provided when called for the hearing.

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.

871 IAC 24.27 provides:

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. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The administrative law judge concludes the claimant voluntarily quit part-time, non-base period without good cause attributable to the employer on November 19, 2010, but is monetarily eligible for benefits based on wages earned for regular or other base period employers.

The decision in this matter does not disqualify claimant, but his eligibility for benefits does depend on his base period employment. A voluntary quit of part-time, non-base period employment is not disqualifying. The claimant is eligible for benefits based on earnings from base period employer(s).

Unfortunately, the department issued a decision that claimant's employment separation from his primary, base period employer, (Gazette Communications) on May 26, 2010, is disqualifying.

DECISION:

The department decision dated December 22, 2010 reference 02 is affirmed. The claimant voluntarily quit without good cause part-time, non-base period employment on November 19, 2010. The claimant is eligible for benefits by base period employment earnings, but the employer in this case is not liable for benefit charges subject to future requalification.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css