

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA A ABERG**  
Claimant

**APPEAL NO: 14A-UI-01397-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**G M R I INC**  
Employer

**OC: 01/12/14**  
**Claimant: Appellant (4R)**

Iowa Code § 96.5(1) – Voluntary Quit  
871 IAC 24.27 – Voluntary Quit Part-Time Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's February 3, 2014 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the hearing. Marco Holter, the general manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is eligible to receive benefits because she quit a part-time job and is monetarily eligible even when wage credits she earned from the employer are excluded.

**ISSUE:**

Did the claimant voluntarily quit her part time employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant most recently started working for the employer in late August 2013. She worked 25 to 30 hours a week.

On October 17, 2013, the claimant was at a cash register checking out an order for a customer when she suddenly felt pain in her side. The pain felt like someone jabbed a finger or fist in her side. The claimant did not know who did this and immediately asked who had done this to her. She was in pain. When she talked to the managers on duty, she was emotionally upset. The claimant had almost finished her shift and left work early.

The managers on duty told Holter that the claimant had left work early on October 17, that she was very upset but did not know why she left work early. Holter called the claimant on October 21 and left a message for her to call him back, but she did not. The claimant did not go back to work. The claimant did not return to work because she felt she had been assaulted by another employee and did not feel safe.

The claimant established a claim for benefits during the week of January 12, 2014. The administrative record indicates she has the following wages from other employers in her base period:

EMPLOYER	2012/4	2013/1	2013/2	2013/3
G M R I INC	\$ 288	\$ 376		\$2543
Employer X	\$6412	\$4987	\$5888	
Employer XX			\$ 512	
Employer XXX				\$869

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.5(1).

The claimant asserted another employee jabbed or hit her, but if she wanted to get to the bottom of this incident it is difficult to understand why she did not respond to Holter's request to contact him. Also, it is difficult to understand why she did not insist that the employer investigate this incident. Instead, she simply did not return to work. The facts do support the claimant's assertions. As a result, the evidence indicates she quit her employment for reasons that do not qualify her to receive benefits. This means the employer's account will not be charged.

If the claimant had been working full time, she would not be eligible to receive benefits. But when a claimant quits a part-time job without good cause and has wage credits in her base period that still make her monetarily eligible to receive benefits, she is eligible to receive benefits. The wage credits she earned from the part-time employer cannot be used to determine her monetarily eligibility until she earns ten times her weekly benefit amount. 871 IAC 24.27. Since the claimant has wage credits in her base period from other employers that make her monetarily eligible to receive benefits, without the wages she earned from the employer, she is eligible to receive benefits as of January 12, 2014.

**DECISION:**

The representative's February 3, 2014 determination (reference 02) is modified in the claimant's favor. The claimant voluntarily quit a part-time job without good cause. The employer's account will not be charged. Since the claimant has wages from other employers in her base period that make her monetarily eligible to receive benefits, she is eligible to receive benefits as of January 12, 2014.

This matter is **Remanded** to the Benefits Bureau to determine if the claimant's maximum benefit amount and maximum weekly benefit amount are changed when wages from the employer are not included in this calculation.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css