

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COREY J DAVEY
Claimant

APPEAL NO: 14A-UI-11301-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NPC INTERNATIONAL INC
Employer

**OC: 03/02/14
Claimant: Respondent (4)**

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

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's October 24, 2014 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation did not disqualify him from receiving benefits. The claimant did not respond to the hearing notice or participate at the November 19 hearing. Pamela Best, the general manager, and Sherry Morales appeared on the employers' behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is eligible to receive benefits but the employer's account will not be charged.

ISSUE:

Did the claimant voluntarily quit a part time job without good cause or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 2, 2014. The employer hired him to work as a part time cook, 15 to 20 hours a week. The employer hired him after March 2, 2014.

The claimant worked as scheduled on July 3. He was not scheduled to work again until July 6. The claimant contacted the employer on July 6 to report he was ill and unable to work. The claimant was scheduled to work on July 7 and 8, but he did not call or report to work either day.

When the claimant did not call or report to work on July 7, the employer called and left a message for him that he had to personally contact Best before she again put him on the schedule. When the claimant did not contact Best, she did not put him back on the schedule. If the claimant had contacted her, she would have scheduled him to work. Best learned that the claimant had called a co-worker to see if he was on the schedule, but he did not talk to Best.

The employer is not one of the claimant's base period employers.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. When the claimant failed to contact Best, he made the decision to end his employment and quit. The facts do not establish that he quit for reasons that qualify him to receive benefits. If the claimant had been working full time, he would not be qualified to receive benefits.

When a claimant quits a part time job without good cause but is monetarily eligible to receive benefits based on wages from other employers in his base period, he is not disqualified from receiving benefits. 871 IAC 24.27. As of October 5, 2014, the claimant is eligible to receive benefits.

DECISION:

The representative's October 24, 2014 determination (reference 02) is modified in the employer's favor. The claimant voluntarily quit a part-time job without good cause. The employer's account will not be charged for any benefits.

Since the claimant quit a part-time job and his base period wages do not include any wage credits he earned from the employer, the claimant remains eligible to receive benefits. As of October 5, 2014, the claimant is eligible to receive benefits, provided he meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs