

particular number of days or hours of work each week and was informed that her hours would vary from week to week depending on the needs of the clients.

The claimant submitted her two-weeks notice on May 31 to the employer because: (1) one of her clients obtained a job which meant her hours were reduced on one of her days of work, but she was expected to remain on call on that day in case he did not work; (2) this 24-year-old male client, who was mildly mentally retarded, had started walking around his apartment in his underwear or naked despite the claimant telling him his behavior was inappropriate; and (3) she was sometimes required to monitor two housing sites by herself. There is no evidence as to the last time the claimant worked two job sites or that she ever objected to this.

The claimant could have told the employer that she no longer wanted to work with the client displaying inappropriate behavior and the employer would have assigned her other work.

When the claimant resigned, she wrote in her resignation that she was quitting as she had found another job elsewhere and could no longer “in the best interest of my consumers, NCI, and myself remain employed with NCI.” The claimant generally mentioned that she was having problems with a client when she submitted her resignation, but otherwise did not specify her reasons for quitting.

The claimant had taken another part-time job with the Y at the time she quit but did not quit because she had secured another job. The claimant was working full time for Kraft-Oscar Mayer Company while she worked for the employer and continued working there after she quit. When the claimant filed for unemployment insurance benefits, she had enough wage credits to qualify for unemployment insurance benefits based solely on her wages with Kraft-Oscar Mayer Company.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

Under the unemployment insurance rules and cases, a claimant who quits part-time employment without good cause attributable to the employer can still receive benefits if she has sufficient wages from other employers to qualify for benefits. She cannot, however, receive benefits based on the part-time employment. 871 IAC 24.27.

In this case, the evidence fails to establish good cause attributable to the employer for quitting employment. She could have objected to working with the client displaying inappropriate behavior and been assigned other work. There is no breach of any employment agreement because she was not guaranteed hours. She could have also objected to working on two housing sites but there is no evidence that she objected or that it was a recent problem at the time she left employment. Although the claimant took another part-time job about the time she

quit working for the employer, there is no evidence that the reason why she quit was because she had found a better job.

The claimant voluntarily quit employment without good cause attributable to the employer. Since the job was part time, however, and the claimant has sufficient other wages to qualify, she is qualified to receive benefits based solely on that other employment.

DECISION:

The unemployment insurance decision dated September 21, 2005, reference 01, is affirmed. The claimant voluntarily quit part-time employment without good cause but is eligible to receive benefits based on wages from other employment.

saw/s