

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

MILES F RANDOLPH  
11361 WABASH  
COUNCIL BLUFFS IA 51503

FEDEX GROUND PACKAGE SYSTEM INC  
C/O TALX EMPLOYERS SERVICES  
PO BOX 1160  
COLUMBUS OH 43216 1160

Appeal Number: 05A-UI-11535-DWT  
OC: 10/02/05 R: 01  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Miles F. Randolph (claimant) appealed a representative's November 3, 2005 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Fedex Ground Package System, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him 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 29, 2005. The claimant participated in the hearing. Shawn Cannon 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 his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 11, 2005. The employer hired the claimant to work part-time or about 20 hours a week. The claimant worked the 2:00 p.m. to 6:00 p.m. shift.

When the claimant worked, he also attended school. Part of the claimant's schooling required him to film high school sporting events on Fridays. When the claimant had to go out of town, he could not work for the employer. If the claimant knew in advance about a school assignment, he asked for time off in advance. On September 16, the claimant notified the employer he was unable to work as scheduled. On October 3, 2005, the claimant pulled a muscle when he was at training the weekend of October 1 and 2 and was unable to work. The claimant notified the employer he was unable to work as scheduled on October 3.

On October 4, the claimant was still unable to work. Instead of taking his third unexcused absence, the claimant informed the employer he was quitting. The claimant quit because he was unable to work and attend classes at the same time. The claimant's resignation was effective immediately.

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. Iowa Code §96.5-1. The claimant voluntarily quit his employment on October 4, 2005. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2. If the claimant had been working full-time and quit, he would be disqualified from receiving unemployment insurance benefits. 871 IAC 24.25(26).

However, when a claimant quits a part-time job without good case but is still monetarily eligible to receive benefits based on his regular or other base period employment, the claimant is eligible to receive unemployment insurance benefits. 871 IAC 24.27.

The claimant is monetarily eligible to receive benefits based on his other base period employers. The claimant did not earn any wages in his base period from the employer. Since the claimant quit a part-time job, he is eligible to receive benefits as of October 2, 2005. The employer's account will not be charged.

DECISION:

The representative's November 3, 2005 decision (reference 03) is reversed. The claimant voluntarily quit a part-time job for reasons that would normally disqualify him from receiving benefits. Since the claimant is monetarily eligible to receive benefits based on wages credits from his base period employers, as of October 2, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account will not be charged.

dlw/s