

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN W NEWELL
Claimant

APPEAL NO: 09A-UI-05263-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARION INDEPENDENT SCHOOL DIST
Employer

OC: 02/22/09
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Steven W. Newell (claimant) appealed a representative's March 24, 2009 decision (reference 02) that concluded he was eligible to receive benefits because even though he quit a part-time job he had sufficient wages earned from other employers in his base period to be monetarily eligible to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 27, 2009. The claimant participated in the hearing. The employer responded to the hearing notice, but the employer's witness was not available for hearing. The employer did not contact the Appeals Section again to participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant voluntarily quit a part-time job with the employer?

Should the wage credits the claimant earned from the employer be used to determine the claimant's monetary eligibility?

FINDINGS OF FACT:

The claimant started to work as an on-call substitute teacher for the employer in 2006. The last time the claimant worked as a substitute teacher for the employer was in February 2008. The employer asked the claimant if he wanted to work as an on-call substitute teacher for the 2008-2009 school year. The claimant sent in the necessary paperwork for the employer to call him to work as a substitute teacher for the 2008-2009 school year. The claimant did not receive any calls to work as a substitute teacher after February 2008.

In November 2008, the claimant left the area to pursue other employment opportunities. After the claimant relocated, he was not available to work as a substitute teacher. The claimant applied to work as a full-time teacher for the employer and was available to work full-time.

The claimant established a claim for benefits during the week of February 22, 2008. In addition to the wage credits the claimant earned from the employer, he also has wages credits from other employers in his base period.

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 sections 96.5-1, 2-a. For unemployment insurance purposes, the claimant voluntarily quit his on-call substitute teaching position when he relocated to another locality. 871 IAC 24.25(2). If the claimant had been working full-time, he would not be eligible to receive benefits. When a claimant quits a part-time job and has not requalified to receive benefits, he is eligible to receive benefits if he is monetarily eligible to receive benefits based on wage credits from other base period employers. 871 IAC 24.27.

In this case, the claimant has wage credits in his base period from other base period employers. Even though the wage credits the claimant earned in his base period from the employer cannot be used to determine his monetary eligibility or maximum weekly benefit amount, the claimant is monetary eligible to receive benefits based on wage credits from other employers.

DECISION:

The representative's March 24, 2009 decision (reference 02) is affirmed. Even though the claimant quit a part-time, on-call job, when he moved to another locality, the claimant is not disqualified from receiving benefits based on the reasons for this employment separation. The wage credits the claimant earned from this employment will not be used to determine his monetary eligibility. Instead, wage credits the claimant earned from other employers in his base period will determine his monetary eligibility. The Department has already determined the claimant is monetary eligible to receive benefits. The employers' account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs