

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA WICKENKAMP
Claimant

APPEAL NO. 10A-UI-02065-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIRST RESOURCES CORP
Employer

OC: 01/10/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated February 1, 2010, reference 01, which denied benefits upon a finding that the claimant voluntarily quit work to become self employed. After due notice, a telephone conference hearing was scheduled for and held on March 23, 2010. The claimant participated personally. The employer participated by Ms. Karen Morris, Personnel Coordinator.

ISSUE:

The issue is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Jessica Wickenkamp was employed by First Resources Corporation from May 16, 2009 until December 2, 2009 as a part-time direct care provider. Ms. Wickenkamp was paid by the hour.

The claimant voluntarily left employment to enter into "self employment" performing contractual services for Allen Safty Company as a safety auditor. Ms. Wickenkamp anticipated that her contractual work with Allen Safty would lead to direct full-time employment at a later date. The subsequent employment with Allen Safty did not materialize.

Work continued to be available to Ms. Wickenkamp at First Resources Corporation. The claimant was aware of the nature of the employment when she accepted it. The employer was willing to accommodate reasonable requests made by the claimant and was in the process of doing so when Ms. Wickenkamp quit the company to enter into self employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant left 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.

In this case Ms. Wickenkamp relinquished her position with First Resources Corporation to enter into a contractual relationship with Allen Safty where the claimant worked in self employment until full-time direct employment with Allen Safty was to materialize at a later date. Ms. Wickenkamp understood that taxes were not being withheld by Allen Safty and that she was entering into "self employment" at the time she left her work with First Resources Corporation. The claimant indicated to First Resources that she was leaving for that reason and she states in her appeal letter that she considered the employment with Allen Safty to be "self employment." As self employment is not insured work within the meaning of the Employment Security Act and the claimant has established no good cause reason for leaving First Resources Corporation for reasons attributable to that employment, the administrative law judge must conclude that the claimant's leaving First Resources Corporation took place under disqualifying conditions. Benefits are withheld.

DECISION:

The representative's decision dated February 1, 2010, reference 01, is affirmed. The claimant is disqualified. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, providing that she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs