

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

MARY J CLEMEN
203 – 3RD AVE SW
DYERSVILLE IA 52040-1631

ALL AMERICAN HOMES OF IOWA
1551 – 15TH AVE SE
PO BOX 219
DYERSVILLE IA 52040-0219

Appeal Number: 06A-UI-05891-CT
OC: 04/30/06 R: 04
Claimant: Appellant (4-R)

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, 4th 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

STATEMENT OF THE CASE:

Mary Clemen filed an appeal from a representative's decision dated May 31, 2006, reference 01, which denied benefits based on her separation from All American Homes of Iowa. Due notice was issued scheduling the matter for a telephone hearing on June 26, 2006. For reasons outlined herein, a hearing was deemed unnecessary.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Clemen last worked for All American Homes of Iowa on March 31, 2006. She only worked eight hours per week on the job. Her regular, full-time employment was with Sewing

Contractors. Ms. Clemen voluntarily quit her employment with All American on March 31, 2006 but remained with Sewing Contractors until temporarily laid off on or about May 1, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Clemen was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Clemen's decision to leave All American was not due to any cause attributable to the employer. An individual who voluntarily quits part-time employment for no good cause attributable to the employer may still qualify for job insurance benefits if there are sufficient other wage credits in the base period of the claim to establish a valid claim. 871 IAC 24.27(96). Wage credits earned with the employer that was quit may not be used on the claim until the individual has earned at least ten times the weekly benefit amount in insured wages after the separation.

Ms. Clemen's quit of her part-time job with All American does not render her totally ineligible for job insurance benefits. This matter shall be remanded to Claims to delete Ms. Clemen's wage credits earned with All American and to recompute her weekly and maximum benefit amounts.

DECISION:

The representative's decision dated May 31, 2006, reference 01, is hereby modified. Ms. Clemen voluntarily quit her part-time job with All American for no good cause attributable to the employer but has sufficient other wage credits to establish a valid claim. Benefits are allowed, provided she satisfies all other conditions of eligibility, but shall not be charged to All American. This matter is remanded to Claims to recompute Ms. Clemen's entitlement to job insurance benefits after deletion of wage credits earned with All American.

cfc/cs