

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CASSANDRA L HARVILLE
Claimant

CASEY'S MARKETING CO
Employer

APPEAL 15A-UI-10637-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/15
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.27 – Voluntary Quitting – Part-time Employment

STATEMENT OF THE CASE:

The employer filed an appeal from the September 17, 2015, (reference 03) unemployment insurance decision that allowed benefits based upon quitting the part-time employment and removed this employer's wages from the claim. After due notice was issued, a hearing was set for hearing by telephone conference call on October 6, 2015. The employer responded to the hearing notice but no hearing was held.

ISSUE:

Did the employer file an appeal from a favorable decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer filed an appeal from a favorable decision holding claimant quit the part-time job without good cause attributable to the employer, but allowed benefits based upon other wages in the base period. The wages from this employer are removed from the claim until the claimant requalifies by earning ten times his weekly benefit amount in insured wages. This appeal was set for hearing in error.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer filed an appeal from a favorable decision and the appeal was set for hearing in error.

Iowa Code § 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.

Iowa Code § 96.5(1)g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The employer filed an appeal from a favorable decision on the above-referenced issue, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

DECISION:

The September 17, 2015, (reference 03) unemployment insurance decision is affirmed. The employer filed an appeal from a favorable decision, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css