

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA N HARTMAN
Claimant

APPEAL NO. 100-UI-09452-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEDEX FREIGHT EAST INC
Employer

OC: 10/25/09
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 15, 2010, reference 02, that held she voluntarily quit work without good cause on February 16, 2010, and that denied benefits. A hearing was held on April 30, and an administrative law judge decision issued May 6 denied claimant benefits.

The claimant appealed to the Employment Appeal Board, and it remanded this matter for further hearing as to whether the claimant worked part-time for the employer. A hearing was held on August 18, 2010. The claimant participated. The employer did not participate.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer her part-time job.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant worked a part-time job earning gross wages of \$370.00 during the first quarter of 2010. The claimant worked for CNH America LLC and Burlington Community Schools during the base period of her employment. The claimant stipulated that she voluntarily quit her part-time, non-base-period employment on February 12, 2010, without good cause attributable to the employer.

The employer representative was not available when called for the hearing.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 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 administrative law judge further concludes the claimant voluntarily quit part-time, non-base-period employment without good cause attributable to the employer on February 12, 2010, but is monetarily eligible for benefits based on wages earned for regular or other base period employers.

A voluntary quit of part-time, non-base-period employment is not disqualifying. The claimant is eligible for benefits based on earnings from base period employer(s). The employer in this case shall not be charged for benefits paid to the claimant on this claim.

DECISION:

The department decision dated March 15, 2010, reference 02, is modified. The claimant voluntarily quit part-time, non-base-period employment on February 12, 2010. The claimant is eligible for unemployment by base period employment earnings, but the employer in this case is not liable for benefit charges subject to future requalification.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw