

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA R CARL
Claimant

APPEAL NO: 06A-UI-08239-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 07/09/06 R: 02
Claimant: Appellant (4/R))

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

STATEMENT OF THE CASE:

Amanda R. Carl (claimant) appealed a representative's August 10, 2006 decision (reference 05) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Hy-Vee, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 31, 2006. The claimant participated in the hearing. David Williams, a representative with TALX, appeared on the employer's behalf with Annie Drey, an assistant human resource representative. Based on the evidence, the arguments of the parties, 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 her employment without good cause?

Is the claimant eligible to receive benefits when she quits a part-time job without good cause?

FINDINGS OF FACT:

The claimant started working for the employer in November 2005. The claimant has worked as a part-time cashier for the employer. The claimant started getting sick at work when she saw raw chicken. The claimant talked to Nancy Richardson, the human resource manager, about not working until she found out why she was getting sick. The claimant understood all she needed to do was write not available on the schedule and when she was again able to work she would notify the employer. The claimant understood this meant she was on a leave of absence for an unspecified time. The claimant did not submit any paperwork or receive any paperwork indicating she was on a leave of absence for any definite time.

The claimant told Drey on March 10 she was unable to work because work was making her sick and she wanted to find out what was going on with her. Drey understood the claimant did not plan to return to work.

In late February, the claimant started working full time at Burger King. Since the claimant had a full-time job she did not want to work as many hours for the employer. When the claimant did not call or report back to work for about a month, the employer assumed the claimant abandoned her job and ended her employment relationship. On April 8, the claimant went to the employer's business and talked to the assistant store operations manager. He indicated she no longer had a job with the employer. The claimant did not talk to anyone in the human resource department or attempt to contact anyone in the department later.

The claimant established a claim for unemployment insurance benefits during the week of July 9, 2006. In the claimant's base period she has worked for other employers.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence shows the claimant initiated her employment separation on March 10 when she reported she was not available for a period of time and then did not contact the employer for about a month. Although the claimant assumed she was on a leave of absence, neither the claimant nor the employer agreed to the period of time in which the claimant would be on a leave. Instead of obtaining a formal leave of absence, the employer allowed the claimant to indicate when she was not available to work on a part-time basis. When the claimant was again available, she failed to contact the human resource department to get back on the schedule to straighten out any misunderstanding. As a result of the claimant being unavailable for work as of March 10, failing to keep in contact with the employer for about a month, and then failing to talk to anyone in the human resource department, the claimant effectively quit a part-time job. While the claimant had compelling personal reasons for quitting, she did not quit for reasons that qualify her to receive unemployment insurance benefits. If this had been a full-time job, the claimant would not be qualified to receive unemployment insurance benefits.

When a claimant quits a part-time job without good cause and has not requalified, she may still be eligible to receive unemployment insurance benefits if she is monetarily eligible based on wages she earned from other employers in her base period. 871 IAC 24.27. The record indicates the claimant has wage credits in her base period from other employers. Therefore, if she is monetarily eligible based on these wages credits, she is eligible to receive unemployment insurance benefits. The issue of whether the claimant is monetarily eligible to receive benefits based on wages from other employers in her base period is remanded to the Claims Section to determine.

Since the claimant voluntarily quit her employment without good cause, the employer's account will not be charged. Iowa Code § 96.7-2-a.

DECISION:

The representative's August 10, 2006 decision (reference 05) is modified in the claimant's favor. The claimant voluntarily quit a part-time job without good cause. Since the claimant has wages in her base period, she may be eligible to receive benefits as of July 9, 2006, if she is monetarily eligible based on these other wages. This issue is remanded to the Claims Section to determine. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/cs