

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ANDREA I NICHOLS**  
Claimant

**MANN'S MCDONALD LC**  
Employer

**APPEAL 14A-UI-12178-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/02/14  
Claimant: Respondent (4)**

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Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

The employer filed an appeal from the November 21, 2014, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 15, 2014. Claimant did not participate. Employer participated through Charity Huesel, and Dani Lee.

**ISSUES:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer and if so, has she requalified for benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a crew trainer beginning on October 30, 2006 through October 8, 2014 when she was voluntarily quit part-time employment. The claimant asked for a leave of absence on June 15, 2013 because she was working another full-time job. She never returned to work for the employer or indicated that she wanted to return. After over 18 months after hearing nothing from the claimant, the employer determined that the claimant was not going to return to work and considered her a voluntary quit.

The claimant has other full-time wages in her base period and has requalified for benefits since her separation from this employer account number (287672).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer but has requalified for benefits.

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

The claimant left to work full time for another employer. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 287672) shall not be charged.

**DECISION:**

The November 21, 2014 (reference 01) decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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