

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIEE A YAROLEM**  
Claimant

**APPEAL NO. 12A-UI-11850-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IKAN MARKETING INC**  
Employer

**OC: 09/02/12**  
**Claimant: Appellant (1R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated September 24, 2012, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 29, 2012. Claimant participated with witness Erma Yarolem. Employer participated by Markus Frese, President.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 13, 2012. Claimant quit her part-time job due to non-work-related medical issues. Claimant has not been able to return to full duty as of date of the hearing. Claimant is still under medical care. Claimant has not returned to ask employer for further work.

Claimant may not be able and available for work.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a non-work-related health issue. This is not good cause attributable to employer because claimant has not returned to work full duty. However, claimant quit part-time work and may be eligible based on credits from other employment. This matter is remanded to determine whether claimant is eligible based on credits from other employment. It is also remanded for determination of whether claimant is able and available for work. Employer's account shall not be charged.

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.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

**DECISION:**

The decision of the representative dated September 24, 2012, reference 01, is affirmed and remanded. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, or is otherwise eligible based on credits from other employment. This matter is remanded for determination of eligibility based on credits from other employers and for determination of whether claimant is able and available for work.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs