

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORI K ONDRASHEK
Claimant

APPEAL NO. 100-UI-03497-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AASE HAUGEN HOMES INC
Employer

**Original Claim: 10/04/09
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving
871 IAC 24.27 – Voluntary Leaving Part Time Employment

STATEMENT OF THE CASE:

Lori Ondrashek (claimant) appealed a representative's November 4, 2009 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Aase Haugen Homes (employer). A hearing was held on April 21, 2010, following due notice pursuant to Remand Order of the Employment Appeal Board dated February 26, 2010. The claimant participated personally. The employer participated by Sue Bjelland, Executive Director, and Mary Oyloe, Director of Nursing.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason and whether she has met requalification requirements.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on September 4, 2009, as a full-time certified nursing assistant. The claimant quit work because, in addition to this work, she had two part-time jobs and was a part-time student. Continued work was available had the claimant not resigned.

After she was separated from employment the claimant continued her part-time work. She has not earned ten times her weekly benefit amount of \$3,460.00 since her separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 09A-UI-16902-S2T are adopted and incorporated herein as if set forth at length. The claimant voluntarily quit full-time work and the provisions of 871 IAC 24.27 do not apply, as the claimant was a full-time employee.

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 § 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 separation is disqualifying. The claimant voluntarily quit full-time work and the provisions of 871 IAC 24.27 do not apply, as the claimant quit full-time employment. The claimant has not requalified for benefits since the separation and is otherwise not monetarily eligible according to base period wages. Benefits are denied.

DECISION:

The representative's November 4, 2009 decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible. At this time, the claimant has not earned enough to meet the requalification requirements.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw