

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DALE L CAMPBELL
Claimant

APPEAL NO. 12A-UI-12613-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE BUCKLE INC
Employer

OC: 05/06/12
Claimant: Appellant (4)

Section 96.5-1 - Voluntary Quit of Part-Time Job

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 10, 2012, reference 04, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 19, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Brianna Aldinger participated in the hearing on behalf of the employer with a witness, Nichole Beasley.

ISSUE:

Did the claimant voluntarily quit part-time employment without good cause?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of May 6, 2012.

The claimant worked part time as a sales teammate for the employer from June 14, 2012, to August 27, 2012.

Near the end of August the store manager learned that the claimant was attending college. She needed to find out what hours the claimant was able to work with his school schedule before scheduling him for work. The claimant contacted the assistant manager on August 27 to see what his hours were. He was told to contact the manager about his availability.

The claimant did not call the manager but instead waited another week and called the store again. When he was told he was not on the schedule, he mistakenly assumed the employer had no work for him and decided to find another job.

The claimant filed an additional claim for unemployment insurance benefits with an effective date of September 2, 2012. The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer, which is grounds for disqualification under Iowa Code § 96.5-1.

871 IAC 24.27 provides that a claimant who voluntarily quits part-time employment without good cause and has not requalified for benefits, 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. Instead, the benefits payments will be made based on the wages from the other employers, and the part-time employer's account will not be charged for benefits paid.

The claimant voluntarily quit employment without good cause attributable to the employer. He failed to contact his manager about his availability as he was instructed to do and mistakenly assumed he no longer had a job. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits since none of his benefits are based on wages from the employer. Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated October 10, 2012, reference 04, is modified in favor of the claimant. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css