

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**FRANCISCO G JONES**  
Claimant

**P J IOWA LC**  
Employer

**APPEAL NO. 14A-UI-08415-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/13/14**  
**Claimant: Respondent (4)**

---

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated August 5, 2014, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on September 4, 2014. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Cayle Campbell participated in the hearing on behalf of the employer. Official notice is taken of the Agency's records regarding the claimant's unemployment insurance claim, which show the claimant's base period wages, excluding the wages reported by the employer would be \$3,582 for the second quarter 2013 and \$2,132 for the third quarter 2013 and that he is disqualified based on his separation from his most recent employer, Flagger Pros USA, LLC. If a party objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked part time for the employer as a pizza delivery driver from August 2013 to March 27, 2014. His supervisor was Cayle Campbell.

On March 27, 2014, the claimant complained about not being scheduled for enough hours. Campbell revised the schedule for the week of March 31 through April 6 to schedule him for five days during that week. The claimant failed to report to work for those days.

The claimant contacted Campbell on the morning of April 9, 2014, and asked if he could work again. Campbell told the claimant that they needed a driver for that evening and he should report to work. When the claimant reported to work, he had trouble getting clocked in on the computer system. The shift manager called Campbell about this and Campbell explained that the claimant would need to be reactivated in the system. While the shift manager was on the phone with Campbell, the claimant took his shirt off and walked out of the store.

The claimant's base period wages, excluding the wages reported by the employer would be \$3,582 for the second quarter 2013 and \$2,132 for the third quarter 2013. He is disqualified based on his separation from his most recent employer, Flagger Pros USA, LLC.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1. The rules provided that claimants who voluntarily quit part-time employment without good cause can be eligible for benefits if they have enough wages from other employers to be qualified. 871 IAC 24.27.

The claimant voluntarily quit part-time employment with the employer and has enough wages from other employers to be qualified. It is unnecessary, however, to remand this case back to redetermine the claimant's monetary eligibility because he is disqualified based on his most recent separation. Finally, based on the rule "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. 871 IAC 24.27. In practical terms, this means that if the claimant earns ten times his weekly benefit amount after the separation date from his most recent job with Flagger Pros USA, his monetary eligibility would include the wages from the employer. The employer is not chargeable for any benefits paid to the claimant in the future.

**DECISION:**

The unemployment insurance decision dated August 5, 2014, reference 01, is modified in favor of the employer. The claimant voluntarily quit part-time employment without good cause, but remains disqualified from benefits because of his disqualifying separation from his most recent employer.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/css