

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BOUBKER LAMKADMI

Claimant

APPEAL NO: 07A-UI-01160-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CEDAR RAPIDS

Employer

**OC: 12/24/06 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Voluntary Quit of Part-Time Employment

STATEMENT OF THE CASE:

Boubker Lamkadmi (claimant) appealed an unemployment insurance decision dated January 29, 2007, reference 02, which held that he was eligible for unemployment insurance benefits because he had sufficient wages earned from other employers. The decision resulted from his voluntary separation from Manpower Incorporated of Cedar Rapids (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 19, 2007. The claimant participated in the hearing. The employer participated through Debbie Chamberlain, Risk Control Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from his part-time employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 30, 2006 and assigned to work at COBO International. He continued in that same capacity until he was hired full-time by COBO on June 26, 2006. Even though he was still working full-time for COBO, he worked a part-time assignment for the employer on October 27, 2006. However, he left before the end of his shift because he needed to get some sleep before going to work that night. The employer considered that he voluntarily quit since he left before the end of the assignment. The claimant continues to work for COBO except for three days in December 2006 when he was on a temporary lay-off.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits.

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.

The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify him. Iowa Code section 96.6-2. He left his part-time employment since he needed to get some sleep before going to work that night. Although he may have had good cause to leave his part-time work, his separation cannot be attributed to the employer.

However, an individual who quits part-time employment without good cause, yet is otherwise monetarily eligible based on wages paid by other base-period employers, shall not be disqualified for voluntarily quitting the part-time employment. Benefit payments shall not be based on wages paid by the part-time employer and charges shall not be assessed against the part-time employer's account. Once the individual has met the requalification requirements, the wages paid from the part-time employment can be used for benefit payment purposes. 871 IAC 24.27. The claimant is monetarily eligible based on wages paid by other base-period employers. Benefits are allowed but the employer's account is not subject to charge.

DECISION:

The unemployment insurance decision dated January 29, 2007, reference 02, is affirmed. The claimant voluntarily quit his part-time employment for disqualifying reasons. Therefore, the

employer's account will not be charged. The claimant qualifies for benefits based on other base-period employers provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs