

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BARBARA A HANSEN**  
Claimant

**THE BON-TON DEPARTMENT STORES INC**  
Employer

**APPEAL 15A-UI-12036-SC-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 03/22/15**  
**Claimant: Appellant (4)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.27 – Voluntary Quitting – Part-time Employment

**STATEMENT OF THE CASE:**

Barbara Hansen (claimant) filed an appeal from the October 19, 2015 (reference 09) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment when she resigned and The Bon-Ton Department Stores, Inc. (employer) accepted her resignation; which was not a good cause reason attributable to the employer. The parties were properly notified about the hearing. A hearing was held on December 16, 2015 at the Iowa Workforce Development office located at 1000 East Grand Avenue in Des Moines, Iowa. The claimant participated through Marlon Mormann, Attorney at Law. The employer did not participate.

**ISSUES:**

Did claimant voluntarily quit the part-time employment with good cause attributable to employer?

Has the claimant requalified or is she otherwise monetarily eligible for benefits?

Is the employer liable for benefit charges?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part time as a Sales Associate beginning on December 26, 2013 and her last day worked was at the end of April 2015. This employer did not guarantee a certain number of hours during the claimant's employment. During her base period, the claimant was also employed with Eye Care of Iowa, PC in a full-time position until March 24, 2015.

At the end of April 2015, the claimant reported a work-related injury. She was still able to perform work for the employer. She contacted the employer each week to check what she was scheduled. The employer kept her name on the scheduled but informed her that it did not have any hours for her. The claimant quit her part-time employment on August 25, 2015 due to a lack of hours.

The administrative record shows that the claimant has not requalified for benefits since this separation but reflects she appears to be otherwise monetarily eligible for benefits after this part-time employer's wages are excluded from the base period.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer and has not requalified but appears to be otherwise monetarily eligible.

Iowa Code § 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.

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.

Iowa Admin. Code r. 871-24.27 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.

See also, *McCarthy v. Iowa Emp't Sec. Comm'n*, 76 N.W.2d. 201 (Iowa 1956) wherein the court held that persons who become unemployed by a layoff from their full-time employer cannot be disqualified for a previous voluntary quit from a part-time employer.

Inasmuch as the claimant quit her employment and the employer accepted her resignation, the separation is disqualifying. However, the claimant has not requalified for benefits since the separation but appears to be otherwise monetarily eligible according to base-period wages. Benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The October 19, 2015 (reference 09) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment without good cause attributable to the employer and has not requalified for benefits but appears to be otherwise monetarily eligible. Benefits are allowed, provided she is otherwise eligible. The account of this employer (358669) shall not be charged.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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