

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SARA K SWAFFORD**  
Claimant

**HCM INC**  
Employer

**APPEAL 15A-UI-13708-JP-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/30/15**  
**Claimant: Respondent (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:**

The employer filed an appeal from the December 4, 2015, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 5, 2016. Claimant participated. Employer participated through dietary manager, Ariel Peterson, and administrator, John Schuttinga. Employer Exhibit One was admitted into evidence over claimant's objection. Claimant objected because she believed the schedule for the week ending October 29, 2015 and November 5, 2015 were different than the schedule she got.

**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: Claimant was employed part-time as a dietary aide/cook from October 27, 2015, and was separated from employment on November 4, 2015, when she quit.

Claimant was hired as a dietary aide/cook on October 27, 2015. The employer trains employees as a dietary aide first and then as a cook. The employer does not promise a certain number of hours to its part-time employees. The last day claimant worked was on November 3, 2015. Claimant was still being trained on November 3, 2015. On November 4, 2015, claimant quit her employment because she did not believe she was getting enough 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.

Claimant quit her employment on November 4, 2015 because she did not think she was getting enough hours. However, when claimant applied and accepted the job, she knew she had to complete class(es) to become a CNA before she could perform any job functions as a CNA. To get enough hours to be considered full-time, claimant knew she had to become a CNA. The

employer trains employees as a dietary aide and then as a cook. Claimant was still in training on the last day she actually worked (November 3, 2015). Before claimant could work more hours as a cook she needed to be trained. Furthermore, before she could obtain more hours as a CNA, she had complete the required class(es). Therefore, claimant's quit because she did not think she was getting enough hours was not with good cause attributable to the employer.

Inasmuch as claimant quit her job without good cause attributable to the employer, 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 December 4, 2015, (reference 03), 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 (HCM INC, employer account number 207666-000) shall not be charged.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/pjs