

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEMARIUS D MALLET**  
Claimant

**APPEAL NO. 13A-UI-10714-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PANDA EXPRESS INC**  
Employer

**OC: 11/11/12  
Claimant: Respondent (4)**

Section 96.5-1 - Voluntary Quit of Part-time Employment

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated September 10, 2013, reference 07, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on October 14, 2013. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Andy Rianto 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 employer was not a base-period employer on the claim. 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 part time employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer as a kitchen helper from January 18, 2013, to March 19, 2013. Andy Rianto was the claimant's supervisor.

The claimant was scheduled to work after March 19 but he was absent from work without notice to the employer as required by the employer's work rules. When the claimant came in to pick up his paycheck, Rianto asked why he did not report to work or call in. The claimant replied that he had lots of things going on at that time and that he better quit. The claimant quit his part-time job and the reason is not known because he did not participate in the hearing.

The claimant filed a new claim for unemployment insurance benefits with an effective date of November 11, 2012. The employer 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 benefit 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. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. 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 September 10, 2013, reference 07, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The employer's account will not be subject to charge for benefits paid to the claimant.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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