

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIA M DALY**  
Claimant

**APPEAL NO. 08A-UI-03030-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AFTON CARE CENTER NURSING HOME**  
Employer

**OC: 021008 R: 03**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

Maria M. Daly (claimant) appealed a representative's March 10, 2008 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Afton Care Center Nursing Home (employer) would not be charged because the claimant voluntarily left her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 10, 2008. Prior to the hearing, the claimant sent a letter indicating she would not participate in the April 10 telephone but made a written statement about potential issues. The employer received a copy of the claimant's letter. Heather Hartshook appeared on the employer's behalf. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant most recently started working for the employer on October 16, 2007. The claimant worked as a part-time dietary aide.

The claimant started experiencing personal issues. The claimant's personal issues affected her to the point that she felt it was in everyone's best interest that she did not return to work. The claimant was scheduled to work on February 1 and 2. She did not report to work or notify the employer. The employer tried unsuccessfully to contact the claimant by phone. The claimant did not call or return to work.

The claimant established a claim for benefits during the week of February 10, 2008. The claimant's most recent period of employment with the employer is part of her base period on her current unemployment insurance claim.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2,

The claimant quit by abandoning her employment. The claimant established compelling personal reasons for quitting. If the claimant had been working full-time, she would not qualify to receive benefits. Since the claimant quit for reasons that do not constitute good cause attributable to the employer, the employer's account will not be charged. Iowa Code § 96.7-2-a(2).

When a claimant quits a part-time job without good cause but has wage credits from other employers in her base period that make her monetarily eligible to receive benefits, the law allows a claimant to receive benefits based on the wage credits she earned from these other employers. 871 IAC 24.27. Even though the claimant voluntarily quit her employment without good cause, she is eligible to receive benefits because she quit a part-time job and is monetarily eligible to receive benefits based on wages she earned from other employers in her base period.

**DECISION:**

The representative's March 10, 2008 decision (reference 01) is modified in the claimant's favor. The claimant voluntarily quit a part-time job without good cause. As a result, the employer's account will not be charged. Since the claimant is monetarily eligible to receive benefits based on wages she earned from other base period employers, the claimant is qualified to receive benefits as of February 10, 2008, provided she meets all other eligibility requirements.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css