

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 05A-UI-06633-SWT
OC: 05/29/05 R: 02
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated June 14, 2005, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on July 13, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Joe Haist 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 that without the wages from the employer the claimant's base period wages would include \$2,212.00 in the second quarter of 2004 and a total of \$451.00 in the first and third quarter of 2004. 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.

FINDINGS OF FACT:

The claimant worked part-time for the employer as a store clerk from September 27, 2004 to May 19, 2004. After May 19, 2004, the claimant was absent from work without notice to the employer. The employer would have had work available for the claimant, but the claimant did not have any further contact with the employer. The reasons why the claimant left employment are unknown.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The claimant voluntarily quit employment without good cause attributable to the employer when he left work without notice and never returned to work.

The law provides that a claimant can be found eligible for unemployment insurance benefits if the person voluntarily quit part-time employment without good cause attributable to the employer as long as the claimant has sufficient wages from other employers to receive benefits. 871 IAC 24.27. In this case, however, without the wages from the employer, the claimant would not have a total of at least 1.25 times his high quarter wages in his base period wages and he would not be monetarily eligible to receive unemployment insurance benefits as provided in Iowa Code § 96.4-4. The claimant, therefore, is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated June 14, 2005, reference 01, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/sc