

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALLISON K COOPER
Claimant

APPEAL NO. 09A-UI-19045-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 07/29/07
Claimant: Respondent (4-R)

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

STATEMENT OF THE CASE:

Casey's Marketing Company filed a timely appeal from an unemployment insurance decision dated December 9, 2009, reference 01, that allowed benefits to Allison K. Cooper. After due notice was issued, a telephone hearing was held January 22, 2010 with Manager Deb Budrow participating for the employer. Ms. Cooper did not provide a telephone number at which she could be contacted. The administrative law judge takes official notice of agency wage records.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Allison K. Cooper was employed part time as a clerk and kitchen worker by Casey's Marketing Company from June 18, 2009 until she resigned July 30, 2009. Ms. Cooper told Manager Deb Budrow that she was resigning because she was going to receive Social Security Disability payments and would not be able to work.

Ms. Cooper is monetarily eligible for unemployment insurance benefits even without considering the wages paid by this employer. Casey's Marketing Company was not a base period employer.

REASONING AND CONCLUSIONS OF LAW:

The question here concerns the unemployment insurance consequences of the claimant's resignation from part-time employment. For the reasons which follow, the administrative law judge concludes that no disqualification should be imposed on the claimant but that no benefits should be charged to the account of the employer. Because of testimony from the employer raising the issue of the claimant's ability to work, that issue is remanded to the Unemployment Insurance Services Division.

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 has the burden of proof. See Iowa Code section 96.6-2. The evidence in this record establishes that the claimant resigned because she was going to receive Social Security Disability benefits. There is no evidence to establish that the claimant's medical condition was caused or aggravated by working conditions at Casey's. The administrative law judge concludes that the resignation was without good cause attributable to the employer. Since it was without good cause attributable to the employer, the employer shall not be charged with benefits paid to the claimant.

Had this been full-time employment, the claimant would be disqualified for benefits. However, 871 IAC 24.27 establishes a different outcome since the employment was part time. According to the rule, an individual may receive unemployment insurance benefits following a quit from part-time employment without good cause attributable to the employer provided that the claimant has sufficient base period wage credits to be monetarily eligible for unemployment insurance benefits in any event. Since Casey's Marketing Company was not a base period employer, the claimant's benefits already have been computed based on other wages.

A question has arisen in testimony as to whether the claimant meets the eligibility requirements of being medically able to work and being available for work. That issue is remanded to the Unemployment Insurance Services Division.

DECISION:

The unemployment insurance decision dated December 9, 2009, reference 01, is modified. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of this employer. The question of whether the claimant meets the eligibility requirements of being able to work and being available for work is remanded to the Unemployment Insurance Services Division.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs