

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELANIE D BRANNICK**  
Claimant

**APPEAL NO. 07A-UI-11324-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 11/04/07 R: 02**  
**Claimant: Respondent (4)**

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

**STATEMENT OF THE CASE:**

Casey's Marketing Company filed a timely appeal from an unemployment insurance decision dated November 29, 2007, reference 01, that allowed benefits to Melanie D. Brannick. After due notice was issued, a telephone hearing was held December 26, 2007, with Ms. Brannick participating. Manager Sandy Duncan took part in the hearing for the employer. The administrative law judge takes official notice of agency benefit payment records and wage records.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Melanie D. Brannick was employed as a part-time clerk by Casey's Marketing Company from September 7, 2007, until she resigned November 4, 2007. Ms. Brannick had been absent on November 2, and November 3, 2007, because her father had been hospitalized out of town. Ms. Brannick did not provide her own substitute for November 3, 2007, although Manager Sandy Duncan had asked her to do so.

Ms. Duncan was at the store when Ms. Brannick arrived on November 4, 2007. Without a word, Ms. Brannick gave Ms. Duncan her nametags and keys to the store and then left. Work was available to her had she not resigned. Ms. Brannick had anticipated that she would be discharged because of her absences.

Ms. Brannick filed a claim for unemployment insurance benefits during the week of November 4, 2007. Her benefits were paid or based on wages paid by other employers during the period July 1, 2006, through June 30, 2007. Wages paid by Casey's Marketing Company were not used in computing Ms. Brannick's current benefits.

## **REASONING AND CONCLUSIONS OF LAW:**

The question is whether Ms. Brannick left work with good cause attributable to the employer. She did not.

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. Ms. Brannick acknowledged that Ms. Duncan did not tell her that she was fired. She also did not contradict Ms. Duncan's testimony that Ms. Duncan was leaning on a cooler with her arm outstretched. The description of the employer's body language contained in this record would not lead a reasonable person to believe that a discharge was in progress. The claimant chose to leave rather than request an explanation. The administrative law judge concludes that this was a quit without good cause attributable to the employer.

The record also establishes, however, that Ms. Brannick's employment was part-time, not full-time. It establishes that her unemployment insurance benefits are based on wages paid by other employers. According to 871 IAC 24.27, Ms. Brannick is entitled to receive unemployment insurance benefits based upon these other wages. Benefits shall not be charged to the account of Casey's Marketing Company. Before Ms. Brannick may use these wages for computing future benefits, she must first earn ten times her weekly benefit amount in wages for insured work with subsequent employers.

## **DECISION:**

The unemployment insurance decision dated November 29, 2007, reference 01, is modified. The claimant left part-time employment without good cause attributable to the employer but is otherwise monetarily eligible for benefits. She is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of this employer.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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