

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA K JOHNSON
Claimant

APPEAL NO. 09A-UI-16610-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HOSPITAL
Employer

OC: 09/06/09
Claimant: Respondent (4)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Mercy Hospital filed an appeal from a representative's decision dated October 21, 2009, reference 01, which held that no disqualification would be imposed regarding Lisa Johnson's separation from employment. After due notice was issued, a hearing was held by telephone at 8:00 a.m. on December 10, 2009. Ms. Johnson participated personally. The employer did not respond to the notice of hearing until approximately 9:35 a.m. The employer did not have a control number to verify that it had responded to the hearing notice prior to the hearing. A review was conducted of the operator logs maintained in the Appeals Bureau. There were no entries indicating a call from the employer prior to the hearing. For these reasons, the administrative law judge did not reopen the hearing record.

ISSUE:

At issue in this matter is whether Ms. Johnson was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Johnson began working for Mercy Hospital in September of 2008. She was a flight dispatcher for the hospital's three helicopters. She worked full time until February of 2009 when she voluntarily quit to accept a full-time job with the sheriff's office. She continued to work for the hospital but on an "on-call" basis. She knew there would be no guarantee of hours when she began working "on call."

Ms. Johnson became separated from the sheriff's office on August 6, 2009. She last worked for the hospital on August 12. She decided to move out of state and, therefore, quit her "on-call" employment with the hospital.

REASONING AND CONCLUSIONS OF LAW:

Ms. Johnson was initially employed by the hospital on a full-time basis. She quit her full-time job in good faith for the sole purpose of accepting other employment. She had performed

services in the new employment when she filed her claim for job insurance benefits effective September 6, 2009. For the above reasons, she is entitled to benefits under Iowa Code section 96.5(1)a. Pursuant to this section, the hospital is entitled to a relief from charges for benefits based on wage credits Ms. Johnson earned in full-time employment.

After she quit her full-time job with the hospital, Ms. Johnson worked "on call." This means that each time she worked was a separate period of employment. An election not to report for further "on-call" work does not constitute a voluntary quit. See 871 IAC 24.26(19). Therefore, Ms. Johnson's separation in August of 2009 was not a disqualifying event. As such, the employer remains liable for charges for benefits based on wage credits earned in "on-call" employment. The hospital is not a base period chargeable employer on her current claim.

DECISION:

The representative's decision dated October 21, 2009, reference 01, is hereby modified. Ms. Johnson was separated from employment with Mercy Hospital in August of 2009 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible. Benefits paid to Ms. Johnson on her current claim shall not be charged to Mercy Hospital.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs