

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACQUELINE L WILLIAMS

Claimant

HCM INC

Employer

APPEAL NO: 09A-UI-15682-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/20/09

Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 16, 2009, reference 02, that held she voluntarily quit work without good cause on August 30, 2009, and benefits are denied. A telephone hearing was held on November 19, 2009. The claimant participated. Casey Kann, Administrator, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant was hired as a part-time C.N.A. on July 10, 2009, but she agreed to work full-time hours before she enrolled in school. The claimant enrolled in school, produced her school schedule to the employer, and went to part-time status on August 20. The claimant called in absences due to illness from September 4 thru September 9, and was off work on September 10th. The claimant failed to report her continuing absences from September 11 thru 13, and was terminated from employment.

Although the claimant is taking ten credit hours, she is working as of the date of this hearing.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The administrative law judge further concludes the claimant voluntarily quit her part-time, non-base period job without good cause attributable to the employer effective her last day of work, August 30, 2009, but is monetarily eligible for benefits based on wages she earned for her regular or other base period employers.

Although the claimant is disqualified by reason of the department decision on her separation from employment with the employer in this case, it is considered a voluntary quit of part-time, non-base period employment that is not disqualifying as to her claim for benefits. The employer in this case shall not be charged for benefits paid to the claimant.

DECISION:

The department decision dated October 16, 2009, reference 02, is modified in favor of the claimant. The claimant quit part-time, non-base period employment on August 30, 2009 that makes her eligible for unemployment benefits, provided she is not otherwise ineligible. The employer in this case is not liable for benefit charges.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs