

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SUSAN A KELLIS**

Claimant

**APPEAL NO. 07A-UI-05117-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NURSEFINDERS OF DES MOINES**

Employer

**OC: 04/01/07 R: 02  
Claimant: Employer (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated May 7, 2007, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 5, 2007. Employer participated by Mike Adams, Branch Director. Claimant failed to respond to the hearing notice and did not participate. Exhibit One was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on March 30, 2007. Claimant failed to maintain administrative eligibility for her part-time job by taking certain tests and training. Claimant was informed at the time of hire that maintaining her credentials was a requirement of employment. Claimant could not be offered assignment unless her credentials were up to date.

Claimant was removed from assignment until she brought her credentials up to date.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she failed to maintain her credentials. This is a separation without cause attributable to employer. Benefits withheld.

However, this was part-time employment. Claimant may collect unemployment if appropriate credits are available from other employment.

Employer's account shall not be charged.

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.

**DECISION:**

The decision of the representative dated May 7, 2007, reference 02, is modified. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible from other employment, because claimant quit part-time employment. Employer's account shall not be charged.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw