

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SEAN T CALHOUN**

Claimant

**APPEAL NO. 14A-UI-01428-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ANNETT HOLDINGS INC**

Employer

**OC: 01/05/14**

**Claimant: Respondent (4-R)**

Section 96.5-1 - Voluntary Quit of Part-time Job

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated January 29, 2014, reference 02, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on February 27, 2014. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Tom Kuiper participated in the hearing on behalf of the employer. Official notice is taken of the Agency's records regarding the claimant's unemployment insurance claim, which show the claimant had base period wages as shown in the table in the Finding of Fact. If a party objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked part-time for the employer as a housekeeper from August 6, 2013, to December 16, 2013. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled and would be considered to have voluntarily quit employment after three days of absence without notice.

The claimant was absent from work without notifying the employer on December 18, 20, and 21. His supervisor tried calling him on each of these days but he was not available and not return the messages left for him. The employer determined the claimant had voluntarily quit his job.

On December 30 or 31, the claimant called to see if he could get his job back. When the manager asked him about his absences, he claimed that he could not call in. He refused, however, to provide any explanation. The manager gave the claimant the opportunity to come into the store to talk to discuss the situation, but the claimant never came in.

The claimant voluntarily quit employment by abandoning his job. The reasons for this are unknown.

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 5, 2013. His base period wages were as follows:

EMPLOYER	4thQuarter 2012	1stQuarter 2013	2ndQuarter2013	3rdQuarter 2013
SECURITAS SECURITY	1040			
PJAX LLC		1041	199	
WAKONDA CLUB			3022	1401
ANNETT HOLDINGS INC				2422

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

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer, which is grounds for disqualification under Iowa Code § 96.5-1.

The unemployment insurance rules state that a claimant absent for three days without giving notice to employer in violation of company rule is presumed to have quit employment without good cause attributable to the employer. 871 IAC 24.25(4). The claimant voluntarily quit his job without good cause based on the evidence. He was absent for three days without giving notice to employer in violation of company rule and abandoned his job.

871 IAC 24.27 provides that a claimant who voluntarily quits part-time employment without good cause and has not requalified for benefits, 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. Instead, the benefits payments will be made based on the wages from the other employers, and the part-time employer's account will not be charged for benefits paid.

The claimant voluntarily quit employment without good cause attributable to the employer. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant. The claimant remains disqualified based on an availability disqualification decision issued on February 13, 2014.

**DECISION:**

The unemployment insurance decision dated January 29, 2014, reference 02, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The employer's account will not be subject to charge for benefits paid to the claimant. A remand is necessary to calculate the claimant's monetary eligibility without the base-period wages from the employer.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs