

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSITA C DEAN**  
Claimant

**APPEAL NO. 12A-UI-13443-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANN'S MCDONALD LC**  
Employer

**OC: 04/29/12**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit  
871 IAC 24.27 - Voluntary Quit of Part-time Job

**STATEMENT OF THE CASE:**

Rosita Dean appealed an unemployment insurance decision dated November 1, 2012, reference 06, that concluded she quit part-time work without good cause attributable to the employer and did not have enough wages from other employers to qualify for benefits. A telephone hearing was held on December 19, 2012. The parties were properly notified about the hearing. Dean participated in the hearing with the assistance of an interpreter, Emma Aquinos. Christi Wallerich participated in the hearing on behalf of the employer.

**ISSUES:**

Did Rosita Dean voluntarily quit part-time employment without good cause attributable to the employer and did she have enough other wages to qualify for benefits?

**FINDINGS OF FACT:**

Rosita Dean worked part-time for the employer from October 18, 2011, to November 2, 2011. In the decision in Appeal 12A-UI-11376-MT issued on October 19, 2012, the administrative law judge ruled that she had quit her part-time job without good cause and remanded the case to decide if Dean had enough other wages to qualify for benefits. That decision became final when Dean did not appeal it to the Employment Appeal Board.

Dean filed a new claim for unemployment insurance benefits with an effective date of April 29, 2012. The employer paid Dean \$248.83 in wages during the fourth quarter of 2011. Temp Associates also reported wages during Dean's base period of employment--\$3,897.04 during the third quarter and \$851.40 during the fourth quarter of 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether Rosita Dean voluntarily quit employment without good cause attributable to the employer, which is grounds for disqualification under Iowa Code § 96.5-1. In the decision in Appeal 12A-UI-11376-MT issued on October 19, 2012, the administrative law judge ruled that she had quit her part-time job without good cause. That decision is binding in this case because I do not have the power to overturn a decision of another judge.

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.

Under the unemployment insurance law, a claimant must have sufficient wages in the base period to qualify for benefits, with the base period defined as the first four of the last five completed calendars. Iowa Code §96.19-3. During the base period, the claimant must have been paid wages of at least one and one-quarter times the wages paid for quarter of the base period in which the claimant's wages were the highest. Iowa Code § 96.4-4-a.

Without the wages from McDonald's, Dean does not have sufficient wages from her other employer to qualify to receive unemployment insurance benefits. Dean's high quarter of wages total \$3,897.04, and 1.25 times that is \$4,871.30. The claimant's total base period wages are \$4,748.44, which is less than the 1.25 times requirement. The claimant is not eligible for benefits effective April 29, 2012.

**DECISION:**

The unemployment insurance decision dated November 1, 2012, reference 06, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/pjs