

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMY M KIRKPATRICK
Claimant

APPEAL NO: 15A-UI-01953-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 01/04/15
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quit
871 IAC 24.28 – Voluntary Quit Requalification

STATEMENT OF THE CASE:

The claimant appealed a representative's February 4, 2015 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the March 13 hearing. Billie Petty, the store manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

Has the claimant earned requalifying wages from subsequent employer(s)?

FINDINGS OF FACT:

The claimant started working for the employer in January 2013. She worked about 32 hours a week as a cashier.

On October 15, 2014, the claimant became upset when she did not get a day off from work she believed she had asked to have off. Petty showed the claimant that she had a written request for a day in September but not on November 1, 2014. On October 15, the employer could not grant the claimant time off on November 1 because other employees had already been granted time off that day. The claimant was upset and tossed a pen. Petty told the claimant that if she walked out the door, she should go home. The claimant went home.

Several hours later the claimant called and told Petty she was quitting. The claimant did not give the employer any reason for quitting. The claimant quit effective immediately. The claimant was fed up with the work situation and had an interview the next day for another job.

The claimant started a new job the next week. After October 15, 2014, but before January 4, 2015, the claimant earned \$1849 in gross wages from this employer, Absolute Flavors LLC. The claimant also earned \$529 in gross wages from Canine Craze LLC after October 15, 2014.

After Canine Craze reduced her hours in late December 2014, the claimant established a claim for benefits during the week of January 4, 2015. Her maximum weekly benefit amount is \$171.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). It is understandable why the claimant became upset after learning she did not get a day off that she thought she had requested. Even though the claimant became upset, the employer did not discharge her. Instead, the claimant chose to walk out the door and then a few hours later quit. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

Even though the claimant started a new job the next week, she had not been offered the new job until after she quit. Therefore, Iowa Code § 96.5(1)a does not apply to this case. The claimant quit because she was fed up and frustrated. The claimant quit for personal reasons, but her reasons for quitting do not qualify her to receive benefits.

Before the claimant established her claim for benefits, she earned wages that total more than ten times her weekly benefit amount of \$1710. Even though the reasons for the claimant's employment is for disqualifying reasons, she earned requalifying wages and is not disqualified from receiving benefits based on this employment separation. 871 IAC 24.28. As of January 4, 2015, the claimant is qualified to receive benefits.

DECISION:

The representative's February 4, 2015 determination (reference 01) is modified in the claimant's favor. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. Since the claimant earned requalifying wages of more than ten times her weekly benefit amount between October 15, 2014, and January 4, 2015, the claimant is qualified to receive benefits. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs