

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA A FRANDBEN
Claimant

APPEAL NO. 11A-UI-08235-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAMILY DOLLAR STORES OF IOWA INC
Employer

**OC: 03/20/11
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Quit From Part-Time Employment

STATEMENT OF THE CASE:

Christina A. Frandsen filed a timely appeal from an unemployment insurance decision dated June 21, 2011, reference 03, that disqualified her for benefits. After due notice was issued, a telephone hearing was held July 14, 2011, with Ms. Frandsen participating. Store Manager Becky Svetlick participated for the employer, Family Dollar Stores of Iowa, Inc.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Christina A. Frandsen was a part-time cashier for Family Dollar Stores of Iowa, Inc. from April 15, 2011, until May 20, 2011. When hired, she told Store Manager Becky Svetlick that she had “complete open availability.” Her availability quickly became limited. First, she told Ms. Svetlick that she could not work Mondays through Fridays because she was going to school. Then she limited her hours on Saturdays and Sundays because of child care arrangements. She left employment because she could not work the schedule set by Ms. Svetlick after her first set of restrictions.

Ms. Frandsen filed a claim for unemployment insurance benefits effective May 20, 2011. She is monetarily eligible for benefits without consideration of her earnings from this employer.

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.

An individual is disqualified for benefits in most instances if the individual leaves work without good cause attributable to the employer. The evidence establishes that Ms. Frandsen left employment because of dissatisfaction with the shift she was given by Ms. Svetlick and because of serious personal and family needs. These reasons are considered to be quits without good cause attributable to the employer according to 871 IAC 24.25(18) and (23).

Had Ms. Frandsen been hired as a full-time employee, benefits would have been withheld.

Another result is dictated because Ms. Frandsen was a part-time employee and because her wages from this employer are not presently being used to compute her weekly and maximum benefit amounts. Iowa Administrative Code section 871-24.27 provides that in cases such as these, the individual remains eligible to receive unemployment insurance benefits while the employer is not charged for benefits being paid to the individual. Before the individual may use wages from this employer in computing future benefits, the individual must earn ten times his or her weekly benefit amount in wages for insured work with subsequent employers.

DECISION:

The unemployment insurance decision dated June 21, 2011, reference 03, is reversed. The claimant left part-time employment without good cause attributable to the employer but is monetarily eligible for benefits on her present claim. She is, therefore, entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of Family Dollar Stores of Iowa, Inc. Before the claimant may use wages from this employer for computing future unemployment insurance benefits, she must first earn and be paid insured wages equaling ten times her weekly benefit amount.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw