

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROSEMARY M STOKES

Claimant

APPEAL NO. 11A-UI-08324-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MEDICAL STAFFING NETWORK INC

Employer

OC: 05/16/10

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit Part-Time Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 20, 2011 determination (reference 02) that held she was eligible to receive benefits as of May 28, 2010, even though she quit her part time job with the employer without good cause attributable to the employer. The claimant participated in the hearing. Robin Moore represented the employer. Cheryl Pearce, the branch manager, testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant remains eligible to receive benefits as of May 28, 2010, but the wage credits she earned from the employer in 2010 cannot be used to determine future monetary eligibility until she earns ten times her weekly benefit amount.

ISSUE:

Did the claimant voluntarily quit her part-time employment for reasons that qualify her to receive benefits, or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant initially started working for the employer in February 2007. The employer rehired her to work as an LPN in late April 30, 2010. The employer requires employees to notify the employer at a minimum on a weekly basis to let the employer know when they are available to work.

The claimant completed an assignment for the employer on May 28. The employer contacted the claimant in June almost weekly about other assignments. The claimant either declined these assignments because she was busy or did not respond to messages the employer left for her.

The claimant understood that as long as she worked one assignment a month, the employer would consider her an active employee. When the claimant did not accept any assignments in June, the employer called her in early July and asked her to contact the employer or the employer would inactivate her employment status. When the claimant did not contact the

employer by July 12, the employer no longer considered her an active employee, because she had not provided the employer the hours she was available to work, did not respond to the employer's messages, and had not worked an assignment for over a month.

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, or an employer has discharged her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2). The facts establish the claimant voluntarily quit this part time employment when she declined assignments offered to her in June and failed to keep the employer informed about her availability to work.

As of July 12, 2010, the claimant's employment ended. If this had been a full-time job, the claimant would not be qualified to receive benefits. Since the claimant has wages credits in her base period, January 1 through December 31, 2009, from other employers that make her monetarily eligible to receive benefits, the claimant is eligible to receive benefits even though she quit this employment without good cause. 871 IAC 24.27. Wages credits the claimant earned from the employer in 2010 cannot be used to determine whether she is monetarily eligible to receive benefits until she earns ten times her weekly benefit amount.

As of May 28, 2010, the claimant remains eligible to receive benefits because she voluntarily quit a part-time job. The employer's account will not be charged because she quit without good cause attributable to the employer.

DECISION:

The representative's June 20, 2011 determination (reference 02) is affirmed. The claimant voluntarily quit her part-time job without good cause, but she is eligible to receive benefits because she quit a part-time job and is monetarily eligible to receive benefits based on wage credits from other employers. As of May 28, 2010, the claimant remains eligible to receive benefits, provided she meets all other eligibility requirements. The employer's account will not be charged. The claimant cannot use the wage credits she earned from the employer in 2010 to establish her monetary eligibility until she earns ten times her weekly benefit amount.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw