

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VINCE L ANKRUM**  
Claimant

**APPEAL NO: 07A-UI-10357-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 03/11/07 R: 02**  
**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Vince L. Ankrum (claimant) appealed a representative's November 8, 2007 decision (reference 04) that concluded he was not qualified to receive unemployment insurance benefits as of September 9, and the account of Casey's Marketing Company (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 27, 2007. The claimant participated in the hearing. Ouna Killam, the manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits?

Did the claimant voluntarily quit a part-time job?

**FINDINGS OF FACT:**

The claimant established a claim for unemployment insurance benefits during the week of March 11, 2007. The employer hired the claimant to work part-time and as a substitute in June 2007. The claimant worked about one day a week. The claimant did not like a co-workers' friends at the employer's store when he worked. The claimant observed these people stealing from the employer. The claimant and the co-worker did not get along either.

During the week of August 28, the claimant informed the employer he was quitting in two weeks. The claimant told the employer he was quitting because he could not get along with a co-worker. The claimant did not want to work at a business where a co-workers' friends stole from the employer. The claimant's last day of work for the employer was September 11, 2007.

Killam timely investigated the situation with the co-workers' friends and banned them from the store. Later, the claimant learned these people had also smoked marijuana in the employer's parking lot. After the employer discharged the former co-worker for failing to work as scheduled, the employer asked the claimant if he would return to work. The claimant returned to work for the employer on October 14, 2007.

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

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. When a claimant quits, he has the burden to establish he left employment for reasons that qualify him to receive unemployment insurance benefits. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when he leaves employment because he does not like the work environment. 871 IAC 24.25(21). If the claimant had been working full-time, he would not be qualified to receive unemployment insurance benefits. When a claimant quits a part-time job, such as the claimant did, and is monetarily eligible to receive benefits based on wages from other employer(s) in his base period, a claimant is eligible to receive benefits. 871 IAC 24.27. The claimant established his claim for unemployment insurance benefits before he started working for the employer. As a result, he is monetarily eligible to receive benefits based on wages he earned from his base period employer(s). This means the claimant remains qualified to receive unemployment insurance benefits as of September 9, 2007.

Since the claimant voluntarily quit his employment as of September 11, 2007, for reasons that would not qualify him to receive benefits if he had been working full time, the employer's account will not be charged for benefits based on wages the claimant earned from June through September 11, 2007.

#### **DECISION:**

The representative's November 8, 2007 decision (reference 04) is modified in the claimant's favor. The claimant voluntarily quit his employment without good cause, but he quit a part-time job. Since the claimant is monetarily eligible to receive benefits based on wages he earned from his base period employer(s), he remains qualified to receive benefits. This means as of September 9, the claimant is still eligible to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account will not be charged for benefits based on wages the claimant earned from June 2007 through September 11, 2007.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs