

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY C JACOBSMA
Claimant

APPEAL NO. 11A-UI-01443-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S GENERAL STORES
Employer

OC: 12/19/10
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated January 25, 2011, reference 01, which denied benefits based upon her separation from Casey's General Stores. After due notice was issued, a telephone hearing was held on March 7, 2011. The claimant participated personally. The employer participated by Ms. Melanie Maker, store manager.

ISSUE:

At issue is whether the claimant's leaving of part-time employment disqualifies her from the receipt of insurance benefits based upon wages from other employers.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Amy Jacobsma was employed by Casey's General Stores as a part-time pizza maker until December 27, 2010, when she voluntarily left her part-time employment with Casey's General Stores because of personal reasons. Ms. Jacobsma, at the time, was seasonally laid off from her full-time regular employment with OMG Midwest.

It is the claimant's position that her separation from part-time employment should not disqualify her from benefits based upon wage credits earned from other full-time employment in her base period.

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.

871 IAC 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, 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. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

In this case, the evidence establishes that Ms. Jacobsma has regular full-time employment with OMG Midwest and was seasonally laid off from that employer in November of 2010. Ms. Jacobsma concurrently held part-time employment with Casey's General Stores as a part-time worker. The claimant quit her part-time position with Casey's General Stores on December 27, 2010, for personal reasons. Work continued to be available to the claimant in her part-time capacity at Casey's General Stores at the time that she left that employment.

Welch v. Iowa Department of Job Service, 421 N.W.2d 150 (Iowa App. 1988) permits a claimant to quit a part-time job without being disqualified as long as he or she has sufficient wages from other employers to be eligible. Providing Ms. Jacobsma is monetarily eligible for benefits based upon wages paid by her regular full-time base period employer, the claimant shall not be disqualified for voluntarily quitting this part-time employment. Benefit payments shall not be made that are based upon the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account until such time as the claimant has met the requalification requirements following the voluntary quit from the part-time employer. The wages then shall be available for benefit payment purposes.

DECISION:

The representative's decision dated January 25, 2011, reference 01, is reversed. The claimant is eligible to receive unemployment insurance benefits, provided she has sufficient wages from her full-time employment in the base period. The claimant shall not receive unemployment insurance benefits based upon wages paid by the part-time employer and benefits shall not be assessed against the part-time employer's account until such time as the claimant has met the requalification requirements of the law. At that time, wages paid in the part-time employment shall be made available for benefit payment purposes.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw