

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOCELYN R RAY
Claimant

APPEAL NO: 06A-UI-09004-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAFÉ RENE - KRUMPETS
Employer

OC: 08/06/06 R: 04
Claimant: Appellant (1-R)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jocelyn Ray filed an appeal from a representative's decision dated September 5, 2006, reference 02, which denied benefits based on her separation from Krumpets. After due notice was issued, a hearing was held by telephone on September 25, 2006. Ms. Ray participated personally. The employer participated by Rene Holmes, Manager.

ISSUE:

At issue in this matter is whether Ms. Ray was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Ray began working for Krumpets on April 4, 2005 as a part-time waitress. She worked from 10 to 15 hours each week. Her schedule varied as the employer scheduled her for whatever openings were available. Approximately two weeks prior to June 23, 2006, Ms. Ray began working at another restaurant in addition to her work at Krumpets.

Just prior to June 23, the individual who usually worked evening shifts at Krumpets was moved to days to fill a vacancy. This meant there were more evening shifts to be filled. When Ms. Ray looked at the schedule on June 23, she noted that she was scheduled to work some evening hours that conflicted with her other job. As a result, she quit. Krumpets intended to continue scheduling her during the shifts when she was needed. There had been no promises by Krumpets to work around her other job as the employer was not aware of the other employment until June 23. Ms. Ray continued to work at her other job until becoming separated in August.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Ms. Ray voluntarily quit her job with Krumpets. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa

Code section 96.5(1). Ms. Ray quit because her hours at Krumpets conflicted with her other employment. She had worked a variety of different hours at Krumpets and had been given no assurances that she would have one set schedule. Therefore, the fact that her hours conflicted with other employment did not constitute good cause attributable to the employer for quitting.

An individual who voluntarily quits part-time employment for no good cause attributable to the employer may still qualify for job insurance benefits if there are sufficient other wage credits in the base period of the claim to establish a valid claim. 871 IAC 24.27(96). Wage credits earned with the employer that was quit may not be used on the claim until the individual has earned at least ten times the weekly benefit amount in insured wages after the separation. This matter shall be remanded to Claims to determine if Ms. Ray has sufficient other wage credits on which to base a claim for benefits. Moreover, she continued to work after her separation from Krumpets and may have requalified for benefits. It is her responsibility to provide proof of subsequent wages to her local Workforce Development office so a decision can be made as to whether she has requalified.

DECISION:

The representative's decision dated September 5, 2006, reference 02, is hereby affirmed. Ms. Ray voluntarily quit her part-time employment with Krumpets for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. This matter is remanded to Claims for a determination as to whether Ms. Ray has sufficient other wage credits to establish a valid claim.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs