

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER M ZIESER**

Claimant

**APPEAL NO. 07A-UI-02250-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**K & S QUASKY MART & DELI**

Employer

**OC: 02/11/07 R: 04  
Claimant: Respondent (2-R)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

K & S Quasky Mart & Deli (Quasky) filed an appeal from a representative's decision dated February 28, 2007, reference 02, which held that no disqualification would be imposed regarding Jennifer Zieser's separation from employment. After due notice was issued, a hearing was held by telephone on March 22, 2007. The employer participated by Robin Kress and Shelly Stanford, Co-Owners. Ms. Zieser did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Ms. Zieser 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. Zieser began working for Quasky on July 25, 2006 and last worked on February 9, 2007. She worked 12 to 18 hours each week in the deli and at the front counter. On or about February 13, she notified the employer that she had been arrested and lost her driver's license. She indicated she would be returning to work on February 16. Ms. Zieser did not return on that date or at any point thereafter. She did not notify the employer of her intentions. Continued part-time work would have been available if she had returned to work.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Zieser abandoned her job when she stopped reporting for available work without notice to the employer. Her separation is considered a voluntary quit. 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). The evidence of record does not establish the reason Ms. Zieser stopped reporting for work. The evidence does not establish any good cause attributable to Quasky for the separation. As such, the separation was a disqualifying event.

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 will be remanded to Claims to determine if Ms. Zieser is monetarily eligible for benefits after deletion of wage credits earned with Quasky.

**DECISION:**

The representative's decision dated February 28, 2007, reference 02, is hereby reversed. Ms. Zieser voluntarily quit her part-time employment with Quasky for no good cause attributable to the employer. This matter is remanded to Claims to determine if she has sufficient other wage credits on which to base a valid claim. There will be no charges to Quasky's account for benefits paid to Ms. Zieser.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css