

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A KOON
Claimant

APPEAL NO. 12A-UI-00047-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VAN WYK FREIGHT LINES INC
Employer

OC: 01/09/11
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit
871 IAC 24.27 - Voluntary Quit of Part-time Job

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 19, 2011, reference 01, that concluded the claimant voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 1, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Ron Moyer participated in the hearing on behalf of the employer with a witness, Marcy Van Wyk.

ISSUE:

Did the claimant voluntarily quit part-time employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits effective January 9, 2011, after his full-time employment at Windstream ended after 31 years.

The claimant worked part-time for the employer as a truck driver from May 27, 2011, to November 23, 2011. He took the job to earn some money while waiting for his house to sell.

The claimant voluntarily quit his part-time job on November 23, 2011, because his house sold and he moved to Colorado.

The claimant reopened his claim for unemployment insurance benefits after he moved to Colorado. The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. All the claimant's benefits are based on his employment at Windstream.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer, which is grounds for disqualification under Iowa Code § 96.5-1.

871 IAC 24.27 provides that a claimant who voluntarily quits part-time employment without good cause and has not requalified for benefits, 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. Instead, the benefits payments will be made based on the wages from the other employers, and the part-time employer's account will not be charged for benefits paid.

The claimant voluntarily quit employment without good cause attributable to the employer. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated December 19, 2011, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css