

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LISA G CLAYVON-EDWARDS**  
Claimant

**APPEAL NO: 11A-UI-13231-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DURHAM D & M LLC**  
Employer

**OC: 09/11/11  
Claimant: Appellant (4)**

Iowa Code Section 96.5(1) – Voluntary Quit  
871 IAC 24.27 – Voluntary Quit Part Time Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's September 30, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the administrative record, the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant is eligible to receive benefits.

**ISSUE:**

Is the claimant eligible to receive benefits when she quits a part-time job?

**FINDINGS OF FACT:**

The claimant started working for the employer on March 6, 2011. The employer hired her to work part time, 20 hours a week, as a bus monitor. The claimant worked in Davenport, Iowa.

The claimant could not find another part-time job and became financially strapped with only one part-time job. To meet her financial obligations, the claimant had to move in with a relative in Arkansas. The claimant quit her employment on July 6, 2011, to move to Arkansas.

The claimant established a claim for benefits during the week of September 11, 2011. She earned the following wages during her base period.

EMPLOYER	2010/2	2010/3	2010/4	2011/1	2011/2
JDFCEC (55-T) DUBUQUE WOR	6405	11321			
KRAFT PIZZA CO	3182				
JDCEC (55-DW) DAVENPORT W				115	
DURHAM D & M LLC				391	2235

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The law presumes a claimant quits without good cause when she leaves to move to a new locality. 871 IAC 24.25(2).

If the claimant had been working full time for the employer, she would not be qualified to receive benefits because she quit for reasons that do not constitute good cause attributable to the employer. The employer's account will not be charged.

When a claimant quits part-time employment and has wages credits from other employers in her base period that make her monetarily eligible to receive benefits, the claimant is eligible to receive benefits. The wage credits she earned from the part-time employer cannot be used until she earns ten times her weekly benefit amount. 871 IAC 24.27.

Since the claimant has wages credits in her base period from other employers (not including the wages she earned from the employer) that make her monetarily eligible to receive benefits, the claimant is eligible to receive benefit as of September 11, 2011.

**DECISION:**

The representative's September 30, 2011 determination (reference 01) is modified in the claimant's favor. The claimant voluntarily quit her part-time job without good cause attributable to the employer. Therefore, the employer's account will not be charged. Since the claimant has wage credits from other employers in her base period that make her monetarily eligible to receive benefits, she is eligible to receive benefits as of September 11, 2011, provided she meets all other eligibility requirements. The wage credits she earned from the employer cannot be used until she earns ten times her weekly benefit amount.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css