

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTIN K SNYDER
Claimant

APPEAL NO: 14A-UI-09387-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 05/18/14
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit Part-Time Job

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 2, 2014 (reference 04) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit for reasons that do not qualify her to receive benefits. The claimant participated at the October 1 hearing. Amber Price, Store Manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits because she voluntarily quit a part-time job and is monetarily eligible based on wage credits she earned from other employers.

ISSUE:

Did the claimant voluntarily quit her part-time employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 18, 2014. The Department determined she was monetarily eligible to receive benefits.

The claimant started working for the employer on June 6, 2014. The employer hired the claimant to work as a part-time cook.

Prior to August 2 the claimant had some problems getting to work because of transportation issues. At least a couple of times, an employee picked up the claimant and brought her back home. On August 2 the claimant did not have transportation to get to work. She called and talked to another cook at work. The claimant told the cook she was unable to get to work. The claimant was scheduled to work on August 3 but did not report to work. Again she did not have a way to get to work. The claimant was hospitalized for two days.

Price understood from the cook, who talked to the claimant, that the claimant had quit and would not be returning to work. As a result of this understanding, the employer hired another cook to replace the claimant. By the time the claimant called and talked to Price, August 5 or 11, she could not return to work because the employer had already replaced her.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or if an employer discharges her for work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. Based on the claimant's lack of transportation prior to and as of August 2, and her failure to personally talk to Price on either August 2 and 3, the evidence indicates the employer's conclusion that the claimant had quit her employment on August 2 is reasonable. As a result of this conclusion, the employer immediately hired someone to replace her. Since this was a stressful time in the claimant's life and she was hospitalized, the employer's testimony that the claimant did not contact the employer again until August 11 is credible. The facts establish the claimant quit her employment.

If this employment had been a full-time job, the claimant would not be qualified to receive benefits. The law presumes a claimant quits without good cause when she leaves because of a lack of transportation. 871 IAC 24.25(1). Since the claimant quit a part-time job, she is not disqualified from receiving benefits because she remains monetarily eligible to receive benefits. 871 IAC 25.27. Before the wage credits the claimant earned from the employer can be used to determine her monetary eligibility in a new benefit year, the claimant must earn ten times her weekly benefit amount. As of the date her employment separation, August 3, the claimant remains qualified to receive benefits. The employer's account will not be charged.

DECISION:

The representative's September 2, 2014 (reference 04) determination is modified in the claimant's favor. The claimant voluntarily quit her employment for reasons that would not qualify her to receive benefits if she had been working full time. Since the claimant quit a part-time job and the employer is not a base-period employer, she is qualified to receive benefits as of August 3, 2014. The employer's account will not be charged. Wages the claimant earned from the employer cannot be used to determine the claimant's monetary eligibility in the future, until she earns ten times her weekly benefit amount.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can