

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA R PHILLIPS
Claimant

APPEAL NO. 11A-UI-06413-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NPC INTERNATIONAL INC
Employer

OC: 04/10/11
Claimant: Respondent (4)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated May 5, 2011, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 9, 2011. Claimant did not respond to the notice of hearing and did not participate. Employer participated by Sara Lewis, general manager.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant was employed with the employer from December 2010 through April 15, 2011 as a part-time cook. She voluntarily quit her employment because she did not like her manager. She filed her claim for benefits effective April 10, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, 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. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

Claimant left her employment because she did not like her supervisor. This reason for leaving employment is without good cause attributable to the employer. See 871 IAC 24.25(22). However, this was part-time employment; so, provided claimant is otherwise eligible based upon her wage credits earned with other employers, she may receive benefits. This employer's account shall not be charged.

DECISION:

The May 5, 2011, reference 01, decision is modified. The claimant voluntarily left the employment without good cause attributable to the employer and has not requalified for benefits pursuant to Iowa Code section 96.5-1-g but is otherwise monetarily eligible. Benefits are allowed, provided the claimant is otherwise eligible. The account of this employer shall not be charged.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/kjw