

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEANNA COX
Claimant

APPEAL NO: 14A-UI-11361-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREAT RIVER MEDICAL CENTER
Employer

OC: 10/05/14

Claimant: Respondent (3)

Section 96.5-1 – Voluntary Leaving
Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits
871 IAC 23.43(4)(a) – Charges for Partial Unemployment Insurance Benefits

STATEMENT OF THE CASE:

Great River Medical Center (employer) appealed a representative's October 23, 2014 (reference 01) decision that concluded Jeanna Cox was qualified to receive unemployment insurance benefits and that the employer's account was subject to charge. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 10, 2014. The claimant participated in the hearing. Christy Ford appeared on the employer's behalf and presented testimony from one other witness, Nancy Clark. During the hearing; Employer's Exhibits Two, Three, and Four were entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

Is the claimant is eligible for partial unemployment insurance benefits and the employer's account subject to charge based upon her being employed under her same hours and wages?

OUTCOME:

Modified. Benefits allowed; employer's account relieved of charge.

FINDINGS OF FACT:

The claimant started working for the employer on October 3, 2011. She worked full time as a floor nurse in the employer's nursing facilities. Her last day in her regular full-time position was March 17, 2014. She voluntarily quit that position as of that date to accept and enter into other full-time employment with another employer, having provided a notice of resignation to that effect on February 18, 2014.

The claimant continued in that new full-time employment into about mid-September, when there was a break in that employment; prompting her to establish a claim for unemployment insurance benefits effective October 5, 2014.

After the claimant left her full-time employment with the employer, as well as starting her new full-time job she also entered into secondary employment with the employer, working on a PRN (*Pro re nata* – commonly used in medicine to mean "as needed") basis in the nursing facilities. Under that status she need only work one day per month on average. As of the date of the hearing she had last worked on that basis as of November 10, 2014.

The high quarter of the claimant's base period was the second quarter 2014. Her primary wages in that quarter were from her new full-time employment; she also did have wages in that quarter from her new part-time employment with the employer.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge.

The claimant did voluntarily quit in order accept a bona fide offer of other employment. The claimant is not disqualified from receiving benefits as a result of her quit from the employer in this case, but the employer's account will not be charged for any benefits based upon the wages earned with the employer through March 17.

The unemployment insurance law provides that a claimant is deemed partially unemployment insurance benefits if she has been permanently or temporarily separated from one employer and earns less than her weekly benefit amount plus \$15 in other employment. Iowa Code § 96.19-38-b; see also Iowa Code § 96.3-3.

If the claimant had other part-time employment during her base period and remains in that employment, she continues to be eligible for benefits as long as she is receiving the same employment from the part-time employer that she received during the base period. However, under those circumstances the part-time employer's account is relieved of benefit charges. Rule 871 IAC 23.43(4)a.

In September 2014 the claimant was separated from her then regular full-time employer and continued to work for her now part-time base-period employer, this employer. The employer was providing the claimant with substantially the same employment as it provided during her base period since March 17, 2014. Consequently, the claimant is qualified to receive at least partial unemployment insurance benefits effective October 5, 2014; provided she is otherwise eligible. To be eligible for benefits for any particular week, the claimant must file a weekly claim for that week reporting her wages from all employers earned (not paid) for that week; the amount of her eligibility will then be determined pursuant to the formula set out by the statute. Rule 871 IAC 24.52(8); Iowa Code § 96.3-3.

Under rule 871 IAC 23.43(4)a the employer is exempt from charge for benefits paid to the claimant as long as it continues to provide the claimant with the same part-time employment it provided during her base period since March 17, 2014.

DECISION:

The representative's October 23, 2014 (reference 01) decision is modified in favor of the employer. The claimant voluntarily left her employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged for benefits paid based on wages paid through March 17, 2014. The employer's account is also exempt from charge for benefits paid to the claimant based on wages paid after March 17, 2014 so long as it continues to provide available part-time employment to her on substantially the same basis as since March 17, 2014.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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