

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERENCE L WALKER
Claimant

MARK A MOSER
Employer

APPEAL NO: 11A-UI-12908-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/21/11
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Part-time Employment Qualification

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 29, 2011, reference 01, that held he voluntarily quit without good cause on May 27, 2011, and benefits are denied. A telephone hearing was held on October 25, 2011. The claimant participated. Mark Moser, Owner, and Dave Michelson, laborer, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked a part-time labor lawn care job for the employer from April 26, 2011 to June 2. He advised the employer he had a daycare issue on one of the three days he was scheduled to work. He left employment and failed to return. Claimant has sufficient wage credits earned with base period employers to be eligible.

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.

The administrative law judge further concludes the claimant voluntarily quit part-time, non-base period without good cause attributable to the employer on June 2, 2011, but is monetarily eligible for benefits based on wages earned for regular or other base period employers.

A voluntary quit of part-time, non-base period employment is not disqualifying. The claimant is eligible for benefits based on earnings from base period employer(s). The employer in this case shall not be charged for benefits paid to the claimant on this claim.

DECISION:

The department decision dated September 29, 2011, reference 01, is modified. The claimant voluntarily quit part-time, non-base period employment on June 2, 2011. The claimant is eligible for unemployment by base period employment earnings, but the employer in this case is not liable for benefit charges subject to future requalification.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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