

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEREMY M PRICE
Claimant

APPEAL NO. 10A-UI-09434-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY LC
Employer

OC: 05/16/10
Claimant: Respondent (1)

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

STATEMENT OF THE CASE:

The employer appealed a department decision dated June 21, 2010, reference 03, that held the claimant voluntarily quit part-time work without good cause attributable to the employer on March 9, 2010, and that claimant is entitled to benefits on wages earned with other employers. A telephone hearing was scheduled for August 18, 2010. The claimant and employer did not participate.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The claimant worked a part-time, temporary job for the employer from February 22, 2010 to March 10, 2010. The claimant left employment without good cause.

The claimant failed to respond to the hearing notice. The employer representative was not available when called for the hearing.

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 concludes the claimant voluntarily quit part-time, non-base-period employment without good cause attributable to the employer on March 9, 2010, 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. It appears the employer representative appealed when it failed to recognize the decision made the claimant eligible, but non-charged the employer for benefits paid to the claimant.

DECISION:

The department decision dated June 21, 2010, reference 03, is affirmed. The claimant voluntarily quit part-time, non-base-period employment on March 9, 2010. The claimant is eligible for unemployment benefits 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

rls/kjw