

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHERYLL HOFFMAN

Claimant

APPEAL NO: 14A-UI-02612-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

RECORD PRINTING CO INC

Employer

OC: 02/09/14

Claimant: Appellant (4)

Section 96.4-3 – Same Hours and Wages

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 7, 2014, reference 04, decision that denied benefits effective February 28, 2014. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 1, 2014. The claimant participated in the hearing. Brenda Meier, Human Resources/Pre-Press and Nathan Thole, Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service/pre-press worker for Record Printing from January 3, 1978 to February 28, 2014. The claimant submitted her resignation notice to the employer January 15, 2014, and indicated her last day would be February 28, 2014. Beginning February 1, 2014, she was placed on part-time status working 15 hours per week and subsequently filed a claim for partial unemployment insurance benefits. She received benefits for the two weeks ending February 22, 2014, and was approved to receive benefits for the week ending March 1, 2014, but those benefits have not been paid to date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer February 28, 2014, but was partially unemployed for the three weeks ending March 1, 2014.

871 IAC 24.23(26) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(26) Where a claimant is still employed in a part-time job at the same hours and wages as contemplated in the original contract for hire and is not working on a reduced workweek basis different from the contract for hire, such claimant cannot be considered partially unemployed.

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.

The claimant was hired as a full-time customer service/pre-press employee. She went from full-time to part-time status February 1, 2014. She was not working for this employer at the same hours and wages as contemplated in the original contract of hire from February 1, 2014 through February 28, 2014, at which time she retired. The claimant is eligible for benefits for the three weeks ending March 1, 2014.

DECISION:

The March 7, 2014, reference 04, decision is modified in favor of the claimant. The claimant was not working the same hours for the same wages as contemplated in her original contract of hire between February 1 and March 1, 2014, when she retired. Benefits are allowed for the three-week period ending March 1, 2014. She received benefits for the two weeks ending February 25, 2014, and has been approved for the week ending March 1, 2014, but that payment has not been issued to date. The last payment for the week ending March 1, 2014, shall be released to the claimant.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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