

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTONETTE GREER
Claimant

APPEAL NO. 07A-UI-05680-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 04/01/07 R: 03
Claimant: Appellant (1)

871 IAC 24.27 - Earnings

STATEMENT OF THE CASE:

The claimant, Antonette Greer, filed an appeal from a decision dated June 1, 2007, reference 05. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 25, 2007. The claimant participated on her own behalf. The employer, Hy-Vee, did not participate.

ISSUE:

The issue is whether the claimant has sufficient earnings in her base period.

FINDINGS OF FACT:

Antonette Green filed a claim for unemployment benefits with an effective date of April 1, 2007. A decision was issued on May 7, 2007, disqualifying her from receiving unemployment benefits which was affirmed in appeal number 07A-UI-04714-JTT on May 30, 2007, and removing wages earned with Hy-Vee from her base period.

A subsequent decision was issued by a representative of Iowa Workforce Development on June 1, 2007, reference 05, which found her ineligible to receive benefits due to lack of earnings in her base period.

Ms. Greer filled out an appeal form at her local Workforce Center on June 5, 2007, indicating she was filing an appeal from a representative's decision dated June 1, 2007, and the present appeal was set up. However, at the hearing the claimant stated she had intended to file an appeal to the Employment Appeal Board from appeal 07A-UI-04714-JTT. The incorrect information on the form had caused the present appeal to be scheduled.

REASONING AND CONCLUSIONS OF LAW:

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 claimant is not monetarily eligible for benefits because after the removal of Hy-Vee wages she does not have sufficient earnings in her base period.

The appeal filed by the claimant with the Appeals Section should be forwarded to the Employment Appeal Board for appeal 07A-UI-04714-JTT.

DECISION:

The representative's decision of June 1, 2007, reference 05, is affirmed. Antonette Greer does not have sufficient earnings in her base period after the removal of wages from Hy-Vee.

The claimant's appeal letter will be forwarded to the Employment Appeal Board for appeal 07A-UI-04714-JTT.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs