

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAHIN GHARAGOZLU
Claimant

APPEAL NO: 13A-UI-04721-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PIER I IMPORTS INC
Employer

OC: 03/24/13
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit Part-Time Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 19, 2013 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant responded to the hearing notice, but was not available for the hearing. He did not contact the Appeals Section again to participate in the hearing. Terry Leiber appeared on the employer's behalf. Based on the administrative record and the law, the administrative law judge concludes that based on this employment separation the claimant is eligible to receive benefits.

ISSUE:

Did the claimant voluntarily quit his part-time employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in September 2010. He worked part time. The claimant informed the employer he had to quit because he was moving to Arizona. The claimant's last day of work was February 10, 2013.

The claimant established a claim for benefits during the week of March 24, 2013. The claimant earned the following wages in his base period.

| | 2011/4 | 2012/1 | 2012/2 | 2012/3 |
|--------------------------|---------------|---------------|---------------|---------------|
| PIER I IMPORTS INC | 508 | 492 | 243 | 320 |
| VISION POINT PRODUCTIONS | 3000 | 3562 | | |
| GANNETT SATELLITE INFO | | | 900 | |
| CHAMPIONSHIP PRODUCTIONS | | | 5597 | 7458 |

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The law presumes a claimant quits without good cause when he leaves to relocate to another locality. 871 IAC 24.25(2). If this employment had been full time, the claimant would not be qualified to receive benefits. Since the claimant quit without good cause attributable to the employer, the employer's account will not be charged. Iowa Code § 96.7(2)a.

When a claimant voluntarily quits a part-time job without good cause but is monetarily eligible to receive benefits based on wage credits from other employers during his base period, he will not be held ineligible to receive benefits. But his monetary eligibility will not include wage credits he earned from the part-time employment until he earns ten times his weekly benefit amount. 871 IAC 24.27. Therefore, based on this employment separation, the claimant is eligible to receive benefits, but his maximum benefit amount and maximum weekly benefit amount may be reduced.

DECISION:

The representative's April 19, 2013 determination (reference 03) is modified in the claimant's favor. The claimant voluntarily quit this part-time job without good cause attributable to the employer. The employer's account will not be charged. Since the claimant has wages from other employers in his base period, the claimant is not disqualified from receiving benefits, but wages the claimant earned from the employer cannot be used to determine his maximum benefit amount and maximum weekly benefit amount until he earns ten times his weekly benefit amount.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css