

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

SCOTT E COULSON  
671 JOHN ST  
DUBUQUE IA 52003

BIG LOTS STORES INC  
c/o JON-JAY ASSOCIATES  
PO BOX 182523  
COLUMBUS OH 43218-2523

Appeal Number: 04A-UI-11795-AT  
OC: 04-18-04 R: 04  
Claimant: Respondent (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quitting  
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Big Lots Stores filed a timely appeal from an unemployment insurance decision dated October 28, 2004, reference 06, which allowed benefits to Scott E. Coulson. After due notice was issued, a telephone hearing was held November 23, 2004 with Store Manager Allen Hocker participating for the employer. Mr. Coulson did not provide a telephone number at which he could be contacted.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Scott E. Coulson was employed as a part-time furniture sales associate by Big Lots Stores from approximately July 1, 2004 until October 10, 2004. Mr. Coulson was scheduled to work from October 10 through October 14, 2004. He did not report to work. He has not contacted the employer since then.

Mr. Coulson's benefit year began on April 18, 2004, before his employment with Big Lots Stores. His present unemployment insurance benefits are not based on wages paid by this employer.

#### REASONING AND CONCLUSIONS OF LAW:

The question here is whether Mr. Coulson's separation from employment with Big Lots Stores was a disqualifying event and whether Big Lots Stores should be charged with benefits paid to Mr. Coulson. The administrative law judge concludes that the separation was not a disqualifying event but that Big Lots Stores should not be charged for benefits.

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 administrative law judge concludes from the evidence in this record that Mr. Coulson became unemployed because he abandoned his job. Ordinarily, this would result in his disqualification for benefits. A different result is mandated in this case, however, because Mr. Coulson's employment was part-time rather than full-time and because the wages were not part of the base period upon which his present unemployment insurance benefits are computed.

In a case such as this, 871 IAC 24.27(96) allows benefits to Mr. Coulson because he is monetarily eligible without using the wage credits accrued in employment with Big Lots Stores. Big Lots Stores shall not be charged with benefits paid to Mr. Coulson during this or a subsequent benefit year. Before Mr. Coulson may use the wage credits he accrued in employment with Big Lots Stores, he must first requalify by earning ten times his weekly benefit amount in wages for insured work with one or more subsequent employers.

#### DECISION:

The unemployment insurance decision dated October 28, 2004, reference 06, is modified. Mr. Coulson left his part-time employment without good cause attributable to the employer. Since he is monetarily eligible for benefits in any event, he may continue to receive benefits, provided he is otherwise eligible. No benefits shall be charged to the account of Big Lots Stores. Before Mr. Coulson may use wage credits accrued in employment with Big Lots Stores for computing benefits in future benefit years, he must first earn ten times his weekly benefit amount in wages for insured work with subsequent employers.

tjc/tjc