

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LYLE A STRELOW**

Claimant

**E & E TRANSPORT INC**

Employer

**APPEAL 21A-UI-17118-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/04/21**

**Claimant: Appellant (2R)**

Iowa Code § 96.5(2)a – Discharge for Misconduct

Iowa Code § 96.5(1) – Voluntary Quit

Iowa Admin. Code r. 871-24.27 – Voluntary Quitting Part-Time Employment, Requalification

Iowa Code § 96.5(12) – Supplemental Part-Time Employment

**STATEMENT OF THE CASE:**

Lyle A Strelow, the claimant/appellant, filed an appeal from the July 27, 2021, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on September 24, 2021. Mr. Strelow participated and testified. The employer participated through Philip Headington, owner. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Did Mr. Strelow voluntarily quit his part-time employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Strelow began working for the employer in 2020. He worked as a part-time-time driver and mail sorter. He works about seven hours per week. Mr. Strelow's full-time job is with Infastech Decorah, LLC (Infastech). He began working for that employer in 2018. He works as a full-time machine operator.

In March or April of 2021, Mr. Strelow began working overtime at his full-time job, Infastech. Mr. Strelow asked his part-time employer, E & E Transport Inc (E & E), to take him off of their schedule for some time because he could not work overtime at his full-time job, and continue working part-time at E & E. E & E took Mr. Strelow off of the schedule. Mr. Strelow has remained in contact with E & E about his overtime hours at his full-time job, and his return to work at E & E.

In early April 2021, Mr. Strelow began experiencing COVID-19 symptoms. He self-quarantined for fourteen days. He filed his initial claim for benefits because he was not able to work due to self-quarantining. Mr. Strelow returned to work at Infastech on, or about April 12, 2021.

The issue of Mr. Strelow's ability to and availability for work have not been investigated by the Benefits Bureau of Iowa Workforce Development.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Mr. Strelow is still employed at E & E.

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.

Iowa Code section 96.5(12) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

12. *Supplemental part-time employment.* If the department finds that an individual is disqualified for benefits under subsection 1 or 2 based on the nature of the individual's separation from supplemental part-time employment, all wages paid by the supplemental part-time employer to that individual in any quarter which are chargeable following a disqualifying separation under subsection 1 or 2 shall not be considered wages credited to the individual until such time as the individual meets the conditions of requalification as provided for in this chapter, or until the period of disqualification provided for in this chapter has elapsed.

Iowa Admin. Code r. 871-24.27 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 Form 655323, 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.

This rule is intended to implement Iowa Code section 96.5(1)g.

In this case, Mr. Strelow did not quit his job at E & E; he is still employed with E & E. He took a temporary leave because he is working overtime at his full-time job. As such, benefits are allowed, provided Mr. Strelow is otherwise eligible, and pending remand.

**DECISION:**

The July 27, 2021, (reference 01) unemployment insurance decision is reversed. Mr. Strelow did not quit and he is still employed with the employer. Benefits are allowed, provided he is otherwise eligible, and pending remand

**REMAND:**

The issue of Mr. Strelow's ability and availability for work are remanded (sent back) to the Benefits Bureau of Iowa Workforce Development for investigation and a decision.



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Daniel Zeno  
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September 29, 2021  
Decision Dated and Mailed

dz/mh