

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROMEY RAINWATER**  
Claimant

**APPEAL NO. 11A-UI-05566-A**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEALTHY CONNECTIONS INC**  
Employer

**OC: 03/06/11**  
**Claimant: Respondent (4R)**

Section 95.5-1 – Voluntary Quit  
871 IAC 24.27 – Quits from Part-time Employment

**STATEMENT OF THE CASE:**

Healthy Connections, Inc. filed a timely appeal from an unemployment insurance decision dated April 20, 2011, reference 02, that allowed benefits to Romey Rainwater. After due notice was issued, a hearing was held in Des Moines, Iowa on May 25, 2011 with Assistant Administrative Director Rachael Owens testifying for the employer which was represented by Matthew Hemphill, Attorney at Law. Ms. Rainwater did not respond to the hearing notice. The administrative law judge takes official notice of Agency benefit payment records.

**ISSUES:**

Did the claimant leave work with good cause attributable to the employer?

Is the claimant monetarily eligible for benefits when wages from this employer are deleted from benefit computations?

**FINDINGS OF FACT:**

Romey Rainwater, a LPN, was hired to work part time for Healthy Connections, Inc. on January 1, 2011. Ms. Rainwater resigned on January 3, 2011. When hired Ms. Rainwater knew that she would be working overnight shifts. After her first night of work, she told Assistant Executive Director Rachel Owens that she had not recalled that overnight shifts were so difficult. Ms. Rainwater had worked for this employer before under similar conditions.

Ms. Rainwater filed a claim for unemployment insurance benefits effective March 6, 2011. The claimant is monetarily eligible for benefits even when her wages from Healthy Connections, Inc. are deleted.

**REASONING AND CONCLUSIONS OF LAW:**

The first question is whether the separation from employment was with good cause attributable to the employer. It was not.

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.

An individual who resigns because of dislike of a shift is considered to be a voluntary separation without good cause attributable to the employer. See 871 IAC 24.25(18). The claimant resigned under circumstances contemplated by the rule. The separation was without good cause attributable to the employer. No benefits shall be charged to the account of this employer.

An individual may receive unemployment insurance benefits following a voluntary separation from part-time employment if the individual has sufficient wage credits from other employers to be monetarily eligible. See 871 IAC 24.27. Agency benefit payment records establish that Ms. Rainwater has sufficient wage credits from another employer to be monetarily eligible for benefits at some level. Therefore, the administrative law judge remands the question of the claimant's weekly and maximum benefit amounts to the Unemployment Insurance Services Division.

**DECISION:**

The unemployment insurance decision dated April 20, 2011, reference 02, is modified in the employer's favor. The separation was a quit without good cause attributable to the employer. Therefore, the employer shall not be charged with benefits. The question of the claimant's weekly and maximum benefit amounts after the deletion of wage credits from this employer is remanded to the Unemployment Insurance Services Division.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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