

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**HENRY HARPER**

Claimant,

and

**FOUNDATION 2 INC**

Employer.

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**HEARING NUMBER: 14B-UI-06748**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law as follows:

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, decision of the job service representative, 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 account of the employer with which the individual requalified, transferred to the balancing account, or remain with the employer from which they were earned.

See also, *McCarthy v. Iowa Employment Security Commission*, 76 N.W2d. 201 (1956) wherein the court held that persons who become unemployed by a layoff from their full-time Employer cannot be disqualified for a previous voluntary quit from a part-time Employer.

This matter shall also be sent to the Iowa Workforce Development Center, Claims Section, for a recalculation of benefits based on earnings from other employers.

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Kim D. Schmett

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Ashley R. Koopmans

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