

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**DAVID KINTZ JR**  
Claimant

**APPEAL NO. 14A-UI-03630-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORTH AMERICAN TRADE SHOWS INC**  
Employer

**OC: 11/24/13**  
**Claimant: Respondent (4)**

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Iowa Code § 96.5-1 - Voluntary Quit  
871 IAC 24.27 - Voluntary Quit of Part-Time Employment

**STATEMENT OF THE CASE:**

North American Trade Shows, Inc. (employer) appealed an unemployment insurance decision dated April 2, 2014, (reference 08), which held that David Kintz Jr. (claimant) was eligible for unemployment insurance benefits. Due notice was issued scheduling the matter for a telephone hearing to be held April 24, 2014. Because a decision fully favorable to the parties could be made based on information in the administrative record, a hearing was deemed unnecessary.

**ISSUE:**

The issue is whether the claimant's voluntary separation from his part-time employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant was employed as a temporary, part-time laborer from February 2, 2014 through February 4, 2014, when he voluntarily quit because he goes to school on the other dates. The employer had work available through February 10, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify him. Iowa Code § 96.6-2. He quit working after February 4, 2014, due to attending school. Since continuing work was available, the claimant's separation was not attributable to the employer.

However, an individual who quits part-time employment without good cause, yet is otherwise monetarily eligible based on wages paid by other base-period employers, shall not be disqualified for voluntarily quitting the part-time employment. Benefit payments shall not be based on wages paid by the part-time employer and charges shall not be assessed against the part-time employer's account. Once the individual has met the requalification requirements, the wages paid from the part-time employment can be used for benefit payment purposes. 871 IAC 24.27.

The claimant is monetarily eligible to receive benefits based on wages with other employer. The employer herein is not a base period employer so there are no wage credits to be redetermined. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated April 2, 2014, (reference 08), is modified in favor of the appellant. The claimant voluntarily quit his part-time employment for disqualifying reasons. Therefore, the employer's account will not be charged. The claimant qualifies for benefits, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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