

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARGO L HOLDEN
Claimant

APPEAL NO. 08A-UI-04115-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SYNOVATE INC
Employer

**OC: 03/23/08 R: 03
Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Voluntary Quit of Part-time Job

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated April 17, 2008, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on May 12, 2008. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Monica Harter participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit part-time employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked part-time for the employer as a telephone research interviewer from October 27, 2007, to March 25, 2008. On March 25, the claimant's supervisor placed the claimant on a 30-day probation due to excessive absenteeism. After receiving the discipline, the claimant informed her supervisor that she was quitting. Continuing work was available to the claimant at the time that she quit, and no action had been taken to discharge her.

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 23, 2008. The employer's account is not presently chargeable for benefits paid to the claimant, since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

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, 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.

The claimant voluntarily quit employment without good cause attributable to the employer. The job, however, was part-time, and her claim is based on her wages from other employers. She is, therefore, qualified to receive unemployment insurance benefits. Pursuant to the rule, the employer's account will not in the future be subject to charge for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated April 17, 2008, reference 01, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw