

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTIN L EVANS
Claimant

APPEAL NO. 09A-UI-17338-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SECURITAS SECURITY SERVICES USA
Employer

**Original Claim: 01/18/09
Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Part-time Employment Qualification

STATEMENT OF THE CASE:

The employer appealed a department decision dated November 3, 2009, reference 02, that held it failed to establish misconduct in the discharge of the claimant on September 10, 2009, and that allowed benefits. A telephone hearing was held on December 23, 2009. The claimant participated. Tom Kuiper, Representative, and Karen Cox, HR Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began work for the employer as a part-time security officer on May 8, 2009, and last worked for the employer on September 9. The claimant turned in his uniform and walked off the job during a work shift.

The claimant worked for Ree's Contract Service, Inc. (ER #187198) during the base period of his employment. The department issued a decision on February 19, 2009, reference 01, that allowed benefits by reason of his discharge for no misconduct. The claimant has earned sufficient wage credits to be eligible for benefits.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge further concludes the claimant voluntarily quit his part-time, non-base-period employment without good cause attributable to the employer on September 9, 2009, but is monetarily eligible for benefits based on wages earned for his regular or other base period employers.

A voluntary quit of part-time, non-base-period employment is not disqualifying if the claimant has earned sufficient base period wages with another employer. The department record shows the claimant has the necessary wages earned with Ree's Contract Services and that he separated from that employment for no disqualifiable reason. The claimant is allowed benefits in this matter, and the employer in this case shall not be charged for benefits paid to the claimant.

DECISION:

The department decision dated November 3, 2009, reference 02, is modified in favor of the employer. The claimant quit part-time, non-base-period employment, which makes him eligible for unemployment by reason of his wages earned with Ree's Contract Services. The employer in this case is not liable for benefit charges. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw