

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISSY M LOOSE
Claimant

APPEAL NO: 14A-UI-05911-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMMUNITY CARE INC
Employer

OC: 05/04/14
Claimant: Appellant (1)

Iowa Code § 96.5(2) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 4, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit for reasons that do not qualify her to receive benefits. The claimant participated at the July 1 hearing. Dara Fishnick, the ICF/ID director, and Jill Kent appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in February 2001. The claimant worked as a full-time supervisor in the ICF/ID department for Community Care, Inc. The claimant started on-line classes in February 2014. She takes one on-line class for five weeks and then takes another class. Sometime prior to May 7, Fishnick understood the claimant had issues focusing on her class while working.

Community Care, Inc. transferred its ICF/ID services to DAC on May 8, 2014. Fishnick, the ICF/ID director, and other DAC employees informed Community Care, Inc. employees, including the claimant, in early April that DAC wanted them to continue working at their current jobs.

The claimant went through DAC's interview process and health screening in early April 2014. During the interview, the claimant received information she would be paid \$12.50 if she continued working after May 7. Later, Fishnick told the claimant if she continued working after May 7, she would receive the same wage she had been receiving. On April 25, the claimant told Fishnick she was not going to continue working because she wanted to focus on school. Nothing would change if the claimant had continued her employment after May 7 when DAC took over the ICF/ID services.

The Iowa Workforce auditor working on this matter indicated Community Care, Inc.'s account had not been transferred as of the date of the hearing, but DAC was in the process of becoming the successor employer.

REASONING AND CONCLUSIONS OF LAW:

A successor employer can be subject to charge for wages credits an employee earned before a transfer occurs. Based on the available information, DAC will be subject to charge if the claimant is eligible to receive benefits.

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The evidence establishes the claimant voluntarily quit working after May 7 even though she could have continued her employment with DAC. The claimant knew or should have known in early April that DAC would acquire the part of Community Care, Inc. services and Fishnick wanted the claimant to continue working at the same job she had been performing for Community Care, Inc. after May 7.

In early April, neither DAC officials nor the claimant knew what wages would be paid. The claimant is not credible when she asserted Fishnick did not tell her that if she continued working, her wages would not change. The claimant's assertion that because the employer did not provide her written information about her job, hours and wages, the employer did not offer her continued employment is without merit. If the claimant wanted to continue her employment and wanted the terms of her continued employment in writing, the employer had that written documentation available to give to her.

The claimant effectively gave Fishnick her resignation on April 25 when she informed Fishnick she would not continue her employment after May 7, 2014. The claimant did not establish good cause to quit her employment. Quitting to focus on school is commendable but does not qualify the claimant to receive benefits. 871 IAC 24.25(26). Also, since the employer (DAC) was not changing the claimant's job, hours or wages, the claimant did not establish a substantial change in her employment. 871 IAC 24.26(1). As of May 4, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's June 4, 2014, determination (reference 01) is affirmed. The claimant voluntary quit her employment for personal reasons, but she did not quit for reasons that qualify her to receive benefits. As of May 4, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs