

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARON L OLSEN
Claimant

APPEAL NO: 11A-UI-10426-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VONACHEN SERVICES INC
Employer

**OC: 06/12/11
Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

Vonachen Services, Inc. (employer) appealed a representative's July 29, 2011 decision (reference 03) that concluded Sharon L. Olsen (claimant) was qualified to receive unemployment insurance benefits and that the employer's account could be subject to charge after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 31, 2011. The claimant participated in the hearing. Rob Stiles appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant's January 4, 2011 separation disqualify her from benefits and is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant started working for the employer on June 23, 2010. She worked part time (30 to 35 hours per week) as a cleaner at the employer's Bettendorf, Iowa, industrial client's facility. She normally worked Monday through Friday, 3:00 p.m. until about 9:00 p.m. Her last day of work was January 4, 2011. The employer asserted that the claimant voluntarily quit that date by walking out after having been given a warning for a work performance issue; the claimant asserted that she believed that she had been told to leave and had been discharged.

The claimant established a claim for unemployment insurance benefits effective June 12, 2011. Her weekly benefit amount was initially calculated to be \$271.00¹. After the ending of the claimant's employment on January 4, 2011, the claimant earned at least \$2,710.00 with another employer.

¹ This is not the claimant's effective weekly benefit amount for her weekly claims at least during the period between academic terms, as base period quarter used to calculate the \$271.00 figure also included income from another employer, an educational institution. After reduction for the educational institution wages, her effective weekly benefit amount for the period between academic terms is \$170.00.

REASONING AND CONCLUSIONS OF LAW:

The wages the claimant earned with the employer are in her base period, and so the employer could be a chargeable employer. The employer asserted the claimant voluntarily quit as of January 4, 2011, because she was unhappy about being reprimanded and given the work performance warning. However, this issue does not need to be finally resolved, because after the claimant worked for the employer but before she filed her claim for benefits June 12, 2011, she earned more than \$2,710.00 in wages from another employer. As a result, the reasons for her separation in January 2011 do not affect the claimant's eligibility to receive unemployment insurance benefits. 871 IAC 24.28(1). This also means the employer's account will not be charged for any benefits the claimant received during her current benefit year.

DECISION:

The representative's July 29, 2011 decision (reference 03) is modified in favor of the employer. The claimant has re-qualified to receive unemployment insurance benefits after the ending of her employment with the employer on January 4, 2011. Since the claimant has re-qualified to receive unemployment insurance benefits, the employer's account will not be charged during the claimant's current benefit year.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw