

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RACHELLA D WILLIAMS
Claimant

APPEAL NO. 11A-UI-10435-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CASEY'S MARKETING COMPANY
CASEY'S GENERAL STORES**
Employer

**OC: 04/18/10
Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit of Part-time Employment

STATEMENT OF THE CASE:

Rachella Williams filed a timely appeal from the August 5, 2011, reference 04, decision that denied benefits based on wages from Casey's but otherwise allowed reduced benefits, provided Ms. Williams was otherwise eligible. After due notice was issued, a hearing was held on August 30, 2011. The claimant was not available at the number she provided for the hearing and did not participate. Store Manager Kathy Brown represented the employer. The hearing in this matter was consolidated with the hearing in Appeal Number 11A-UI-10436-JTT. Exhibit One was received into evidence.

ISSUE:

Whether Ms. Williams separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Rachella Williams was employed by Casey's as a part-time donut maker from February 2, 2011 and last performed work for the employer on May 1, 2011. Store Manager Kathy Brown had hired Ms. Williams to work early morning hours until 9:00 a.m. two to three days per week. Toward the end of the employment, Ms. Williams told the employer she could only work until 6:00 a.m. The employer could not accommodate this demand. Then Ms. Williams told the employer she could only work Sunday. All of this was due to a change in Ms. Williams' childcare arrangements. Ms. Williams then decided she wanted to work the overnight shift. That position was not available because Ms. Brown had given it to someone else. Then Ms. Williams told the employer her father-in-law had died and that she needed to travel to Texas. Ms. Williams told Ms. Brown she did not know how long she would be away. Ms. Brown directed Ms. Williams to contact her when she was in a position to return to the employment. Ms. Williams then did not make contact with the employer between May 1 and May 29, 2011. At that point, Ms. Brown documented a voluntary quit. Ms. Williams then telephoned Ms. Brown about returning to work.

Ms. Brown directed Ms. Williams to come to the store to speak with her about that, but Ms. Williams never appeared.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence in the record indicates that Ms. Williams voluntarily quit the employment for personal reasons and not for good cause attributable to the employer. Accordingly, Ms. Williams is disqualified for benefits based on wages earned from Casey's until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Williams.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits may receive reduced benefits based on the other base period wages. See 871 IAC 24.27.

Because the quit was from part-time employment, Ms. Williams would remain eligible for benefits based on non-Casey's wages, provided she meets all other eligibility requirements. This is the same conclusion reached by the Workforce Development representative in the decision on appeal in this matter. Thus, there is no reason for remand to redetermine benefits.

DECISION:

The Agency representative's August 5, 2011, reference 04, decision is affirmed. The claimant voluntarily quit the employment for personal reasons and not for good cause attributable to the employer. The claimant is disqualified for benefits based on wages earned from Casey's until she has worked in and been paid wages for insured work equal to ten times her weekly benefit

amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Williams. The claimant remains eligible for benefits based on non-Casey's wages, provided she meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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