

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA L BRISEL
Claimant

APPEAL NO: 12A-UI-06361-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 12/25/11
Claimant: Respondent (4)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.5(1)a – Employer Liability

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's May 21, 2012 determination (reference 03) that held the claimant eligible to receive benefits as of April 29, 2012, because she was then able to and available for work. The employer appealed this determination so the issue of whether the employer's account was subject to or exempt from charge could be determined. Even though the employer's liability was not noted on the hearing notice, the employer waived notice so this issue could be addressed in this decision.

The claimant did not respond to the hearing notice or participate in the hearing. Since the issue of the employer's liability does not affect the claimant, this issue was added. David Williams, a TALX representative, appeared on the employer's behalf. Jackie Gardner appeared as the employer's witness.

ISSUE:

Is the employer's account subject to or exempt from charge?

FINDINGS OF FACT:

The claimant started working for the employer as a part-time employee in May 2011. After the claimant obtained another full time job, she requested that her employment change from part time employer with a guaranteed number of hours of work to an on-call, as-needed employee. The employer agreed to the employment change. Initially, when the claimant worked on an on-call, as-needed basis, she worked for another employee who was on maternity leave. When this employee returned, the claimant's hours decreased. When the claimant was laid off from her other full-time job, she established a claim for benefits during the week of December 25, 2011. The claimant did not appeal a determination that held her ineligible to receive benefits as of December 25, 2011, because she had restricted her availability to work for the employer.

The employer does not dispute that the claimant is available to work as of April 29, 2012.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not disqualified from receiving benefits and an employer's account is not subject to charge when a claimant quits for another employer. Iowa Code § 96.5(1)a. In this case, the claimant quit her part-time job in late May 2011 because she started a full-time job with another employer. The claimant continued working for the employer on an on-call, as-needed basis because of the claimant's full-time job. For unemployment insurance purposes, the claimant quit a part-time job for a full-time job with another employer. As a result, the employer's account will not be charged during the claimant's current benefit year.

The employer does not dispute that the claimant is able to and available for work as of April 29, 2012.

DECISION:

The representative's May 21, 2012 determination (reference 03) is modified in the employer's favor. As of April 29, 2012, the claimant is able to and available for work. Because the claimant quit her part-time job in late May 2011 when she started working full time for another employer, the employer's account will not be charged during the claimant's benefit year.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs