

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HAROLD J SEE
Claimant

APPEAL NO: 09A-UI-15145-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRINNELL NEWBURG COMM SCHOOL
Employer

OC: 08/31/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Voluntary Quit a Temporary Part-Time Job

STATEMENT OF THE CASE:

The claimant appealed a representative's October 2, 2009 decision (reference 05) that concluded he was not qualified to receive benefits, and the employer's account would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on November 10, 2009. The claimant participated in the hearing. Edie Heckler, the superintendent, appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. 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 voluntarily quit a part-time job for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of August 31, 2008. The claimant accepted an on-call bus driver position with the employer in October 2008. The claimant signed the substitute school bus driver contract for the 2008/2009 school year on October 27, 2008. (Employer Exhibit One.) In 2008, the claimant worked as a substitute bus driver for the employer two times. In late November, the claimant earned wages of \$45.00 and in late December he earned wages of \$46.25. (Employer Exhibit Two.)

The claimant had been working for a firm that relocated to Missouri. The claimant planned to move to Missouri and hoped his former employer would still have a job for him when he moved. The claimant decided he could not move until he sold his home in Grinnell. The claimant's Grinnell home sold in December 2008. The claimant moved to Missouri in January 2009. When he moved, he informed the employer he was no longer available to work as a substitute bus driver. By the time the claimant moved to Missouri, his former employer did not have any positions available for him.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant quit his employment in late December 2008 or early January 2009. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits without good cause when he leaves employment to relocate to another locality. 871 IAC 24.25(2). If the claimant had been working full time he would not be qualified to receive benefits because he quit for reasons that do not qualify him to receive benefits. Therefore, the employer's account will not be charged based on wages paid to the claimant.

The law, however, provides that when a claimant quits a part-time job without good cause, he may be qualified to receive benefits if he is monetarily eligible to receive benefits based on wage credits in his base period from other employers. Since the claimant established his claim for benefits before he began working as an on-call bus driver, he is monetarily eligible to receive benefits. This means that as of January 11, 2009 and August 30, 2009, when he reopened his claim, the claimant remains qualified to receive benefits.

DECISION:

The representative's October 2, 2009 decision (reference 05) is reversed. The claimant voluntarily quit his on-call employment with the employer without good cause in late December 2008 or early January 2009. Therefore, the employer's account will not be charged. Since the claimant quit a part-time (on-call) job and he is monetarily eligible to receive benefits based on wage credits from other employers in his base period, the claimant remains qualified to receive benefits as of January 11 and August 30, 2009, when he reopened his claim.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css