

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROXANNE E BAHNSEN
Claimant

APPEAL NO. 09A-UI-09725-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**"G & J INVESTMENTS INC
"QUIZNOS CLASSIC SUBS**
Employer

OC: 05/24/09
Claimant: Appellant (2-R)

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Quit From Part-Time Employment

STATEMENT OF THE CASE:

Roxanne E. Bahnsen filed a timely appeal from an unemployment insurance decision dated June 29, 2009, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held July 21, 2009 with Ms. Bahnsen participating. Greg Wood and Sharon Mrgich participated for the employer, G & J Investments, Inc. The administrative law judge takes official notice of agency wage records and benefit payment records.

ISSUE:

Did the claimant leave part-time employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Roxanne E. Bahnsen was employed by G & J Investments, Inc., doing business as Quiznos Classic Subs, from September 2008 until she resigned on or about May 20, 2009. Ms. Bahnsen worked as a part-time cashier. Ms. Bahnsen resigned, telling Manager Sharon Mrgich that she was unable to work because she was going through alcohol treatment. Ms. Bahnsen had previously cleaned out all personal effects from her locker. She later spoke to Owner Greg Wood about getting her job back. By the time she spoke to Mr. Wood, rehiring was not possible.

Ms. Bahnsen filed a claim for unemployment insurance benefits effective May 24, 2009. The base period upon which her benefits are computed consists of the four calendar quarters of calendar year 2008. Ms. Bahnsen is monetarily eligible for benefits based on her wages from another employer during that base period.

REASONING AND CONCLUSIONS OF LAW:

The question here concerns the unemployment insurance consequences of Ms. Bahnsen's resignation from part-time employment with G & J Investments, Inc. For the reasons which

follow the administrative law judge concludes that G & J Investments, Inc. should not be held liable for any benefits paid to Ms. Bahnsen but that Ms. Bahnsen is entitled to receive unemployment insurance benefits, recomputed by deleting her base period wage credits from this employer.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. The administrative law judge concludes that the evidence does not establish that Ms. Bahnsen left employment for cause attributable to G & J Investments, Inc. Had this been full-time employment, the law would have required that Ms. Bahnsen be disqualified for benefits.

A different result is dictated because this was part-time employment. According to 871 IAC 24.27, an individual who voluntarily leaves part-time employment without good cause attributable to the employer but who is otherwise monetarily eligible for benefits, is entitled to continue receiving unemployment insurance benefits computed on the remaining wage credits in her base period. G & J Investments, Inc. shall not be charged with benefits paid to Ms. Bahnsen because the separation was not attributable to the employer. The question of recomputation of Ms. Bahnsen's weekly and maximum benefit amounts is remanded to the Unemployment Insurance Services Division.

DECISION:

The unemployment insurance decision dated June 29, 2009, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits based on base period wages other than from G & J Investments, Inc. The question of recomputation of benefits is remanded to the Unemployment Insurance Services Division. No benefits shall be charged to the account of G & J Investments, Inc. Before Ms. Bahnsen may use wage credits earned from G & J Investments, Inc. for computing future unemployment insurance benefits, she must first work in and be paid wages for insured work equal to ten times her weekly benefit amount.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs