

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAYTON B MAIN
Claimant

FAREWAY STORES INC
Employer

APPEAL 20A-UI-03933-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Claimant Payton Main filed an appeal from the April 30, 2020 (reference 01) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer, Fareway Stores, Inc. ("Fareway"). The parties were properly notified of the hearing. A telephone hearing was held on May 27, 2020. Main appeared and testified. Theresa McLaughlin appeared and testified on behalf of Fareway. Exhibits 1 and 2 were admitted into the record. I also took administrative notice of Main's unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

Has the claimant requalified for benefits since the separation from this employer?

FINDINGS OF FACT:

On August 29, 2018, Main commenced his employment with Fareway as a market clerk at Fareway's Grimes location. During his employment Main's hours varied between six and twenty-eight hours per week dependent on company needs and customer accounts. Main's immediate supervisor was Sean Versluis. When Main's employment with Fareway ended on September 28, 2019, he was earning \$12.50 per hour.

During his employment with Fareway Main also worked for the Radish as a server, earning a base salary of \$4.35 per hour, plus tips. In September 2019, the Radish offered Main additional hours and he decided to quit his position with Fareway. Main told Versluis he was providing a two week notice to work more hours at the Radish. Main later worked for the Big Steer and Johnny's Italian Steakhouse. Main was furloughed from Johnny's Italian Steakhouse in March 2020.

Having reviewed all the evidence in the record, the administrative law judge finds Main has requalified for benefits since his separation from Fareway. At the time of his separation, Main's weekly benefit amount was \$161.00. Since his separation from Fareway, Main was paid wages for insured work equaling ten times his weekly benefit amount.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Main has requalified for benefits.

Iowa Code section 95.(1)g provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

At the time of his separation from Fareway, Main's weekly benefit amount was \$161.00. Since his separation from Fareway, Main was paid wages for insured work equaling ten times his weekly benefit amount. Accordingly, benefits are allowed and the account of Fareway Stores, Inc. (account number 006745-000) shall not be charged.

DECISION:

The April 30, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is reversed in favor of the claimant/appellant. Claimant has requalified for benefits since his September 28, 2019 separation from Fareway Stores, Inc. Benefits are allowed provided the claimant is otherwise eligible. The account of the employer, Fareway Stores, Inc. (account number 006745-000), shall not be charged.



Heather L. Palmer
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May 29, 2020
Decision Dated and Mailed

hlp/mh