

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARBARA A SNOBL**

Claimant

**APPEAL NO: 12A-UI-06964-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**C R RESULTS CHIROPRACTIC CTR PC**

Employer

**OC: 05/20/12**

**Claimant: Appellant (4/R)**

Iowa Code § 96.5(1) – Voluntary Quit  
871 IAC 24.27 – Voluntary Quit Part Time Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 6, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment without good cause attributable to the employer. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate at the hearing. The claimant understood the employer planned to submit a written statement to the Appeals Section, but did not.

After the hearing had been closed and the claimant had been excused, the employer contacted the Appeals Section to participate at the hearing. The employer made a request to reopen the hearing.

Based on the employer's request to reopen the hearing, the evidence, the parties' arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits as of January 15, 2012.

**ISSUES:**

Is there good cause to reopen the hearing?

Did the claimant voluntarily quit her part-time employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working as a part-time chiropractic assistant on September 6, 2011. When the claimant accepted the job, she accepted a job she knew paid half of what she had earned at her previous job. The claimant understood the employer could increase her wages to \$20.00 an hour after the first four months of employment, but this did not happen.

The claimant is a registered nurse and a certified case manager. She accepted a job that did use these skills. In early January 2012, the claimant informed the employer she was resigning

as of January 12, 2012. The claimant resigned so she could obtain a job that allowed her to use her professional skills especially those as a case manager.

Hearing notices were mailed to the parties on June 15. The hearing notice informed the parties a phone hearing would be held on July 6, 2012, and that if a party did not call the Appeals Section to provide the phone number to call on the day of the hearing, the party would not be called.

The employer's witness, Michael Goad, received information from his staff that the hearing was at 9:00 a.m. on July 6. He did not personally see the hearing notice, but instead relied on his staff to make sure he participated at the hearing. The employer made a request to reopen the hearing after Goad called to participate after the hearing was closed and the claimant had been excused.

#### **REASONING AND CONCLUSIONS OF LAW:**

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c). The employer received the hearing notice before the July 6 scheduled hearing. Neither the employer nor any of his staff read and followed the hearing instructions. Even though the employer may not have personally seen the hearing notice, he delegated the responsibility to an employee to make sure he would be contacted for the hearing and this was not done. The employer's failure to read and follow the hearing instructions does not establish good cause to reopen the hearing. Therefore, the employer's request to reopen the hearing is denied.

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2). Since the claimant knew what wages the employer would pay her and what her job duties were before she accepted employment, the fact she quit because she earned half of what she had been earning and the job did not utilize her skills as a certified case manager do not establish good cause for quitting this employment. If the claimant had been working full time, she would not be qualified to receive benefits. Since the claimant quit without good cause attributable to the employer, the employer's account will not be charged. Iowa Code § 96.7(2)a.

The law provides that when a claimant quits a part-time job without good cause and has not earned ten times her weekly benefit amount, she may be eligible to receive benefits if she has wages from other employers in her base period that make her monetarily eligible to receive benefits. 871 IAC 24.27. Also, wages the claimant earned from the part-time employment cannot be included to determine her monetary eligibility until she has earned ten times her weekly benefit amount. 871 IAC 24.27. The claimant is eligible to receive benefits as of January 15, 2012. On this claim year, the claimant is qualified to receive benefits as of May 20, 2012.

The record indicates the claimant has wages from another employer in her base period that makes her monetarily eligible to receive benefits. Since the wages she earned from the employer cannot be included to determine her monetary eligibility, this matter will be remanded

to the Claims Section to redetermine her monetary eligibility and possibly a new maximum weekly benefit amount.

**DECISION:**

The employer's request to reopen the hearing is denied. The representative's June 6, 2012 determination (reference 01) is modified in the claimant's favor. The claimant voluntarily quit a part-time job without good cause. Therefore, the employer's account will not be charged. Since the claimant has wage credits in her base period from another employer that still make her monetarily eligible to receive benefits, the claimant is eligible to receive benefits as of May 20, 2012. This matter is **Remanded** to the Claims Section to redetermine the claimant's monetary eligibility and maximum weekly benefit amount with the wage credits the claimant earned from the employer deleted from this calculation.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css