

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE M DOHENY**  
Claimant

**APPEAL NO: 10A-UI-07450-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WILLIAMS – SONOMA STORES INC**  
Employer

**OC: 03/07/10**  
**Claimant: Respondent (4/R)**

Section 96.5-1-a – Voluntary Quit for Another Job  
871 IAC 24.27 – Voluntarily Quit a Part Time Job

**STATEMENT OF THE CASE:**

The employer appealed a representative's May 12, 2010 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because she had voluntarily quit her employment for reasons that qualify her to receive benefits. A telephone hearing was held on July 7, 2010. The claimant participated in the hearing with her witnesses, Justin Scharf and Kim Cavanaugh. Kristi Beets represented the employer. Geri Keller testified on the employer's behalf. 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.

**ISSUES:**

Did the claimant voluntary quit her full-time job for reasons that qualify her to receive benefits?

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

**FINDINGS OF FACT:**

The claimant started working for the employer in 2001. She initially worked part time, but then accepted a full-time job as an assistant manager. The claimant concluded the store manager, J.B., was unethical and dishonest to customers, the employer and her employees. Working under J.B. was too stressful for the claimant and she started looking for another job. The claimant quit working full time in early 2009 after she accepted another full-time job.

The claimant worked full time for another employer in early 2009. This employer laid her off from work in late March 2009. After the claimant was laid off from work, she talked to the employer about working as a part-time sales associate. The employer agreed the claimant could work as a part-time or fill-in sales associate. The claimant worked part time until August 19, 2009. She again quit because working for J.B. was too stressful for her.

After the claimant returned to work part time, she concluded J.B. had not changed and was still unethical and dishonest. The claimant knew other employees complained about J.B. The

claimant did not report any problems to the corporate office because she incorrectly assumed management would not do anything about J.B.'s conduct. The claimant quit her part-time job because of J.B.'s dishonesty and unprofessionalism. After the claimant quit the part-time job on August 19, 2009, the employer terminated J.B.'s employment.

**REASONING AND CONCLUSIONS OF LAW:**

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. If a claimant quits because she accepted other employment, she is not disqualified from receiving benefits and the employer's account is not subject to charge. Iowa Code § 96.5-1-a. The claimant quit her full-time job when she accepted another full-time job. The claimant worked at her new job until she was laid off in late March 2009.

The claimant's first employment separation occurred when she quit her full-time job to accept other employment. As a result, the claimant is not disqualified from receiving benefits based on this employment separation in early 2009. Wage credits the claimant earned from the employer from October 1, 2008, through March 31, 2009, are not subject to charge. Iowa Code § 96.5-1-a.

After the claimant was laid off from work with her new employer, she returned to work for the employer as a part-time or fill-in sales associate. The claimant quit on August 19, 2009, because store manager's dishonesty and unprofessionalism created too much stress for her. Since the claimant asked to work part time after she quit her full-time job and did not voice her concerns to anyone in upper management, she did not establish that she quit a second time for reasons that qualify her to receive benefits. If the claimant had been working full time when she quit in August 2009, she would not be qualified to receive benefits. However, in this case, the claimant has wage credits from the employer, October 31, 2008 through March 31, 2009, and another employer that make her monetarily eligible to receive even when the wage credits she earned from the employer since April 1 2009 are not included. The law provides that when a claimant voluntarily quits a part-time job without good cause, but is monetarily eligible to receive benefits based on other wage credits that exclude the part-time wage credits, she is eligible to receive benefits even though she has not requalified to receive benefits. 871 IAC 24.27.

This means the claimant remains eligible to receive benefits as of March 7, 2010, based on wage credits she earned while working full time. Since the wage credits she earned from the employer while working part time cannot be included to determine her monetary eligibility, this matter is remanded to the Claims Section to redetermine the claimant's maximum benefit amount and her maximum weekly benefit amount that is consistent with this decision. The employer's account is not subject to charge based on the claimant's full-time and part-time employment.

**DECISION:**

The representative's May 12, 2010 decision (reference 01) is modified in the employer's favor. The claimant voluntarily quit her full-time position in early 2009 for reasons that qualify her to receive benefits and also relieve the employer's account from charge. Even though the claimant voluntarily quit her part-time employment without good cause, she is monetarily eligible to receive benefits based on wage credits she earned from the employer and another employer from October 31, 2008 through March 30, 2009. Therefore, as of March 7, 2010, the claimant is eligible to receive benefits. Since wage credits she earned from her part-time employment with

the employer cannot be included, this case is **Remanded** to the Claims Section to redetermine the claimant's monetary eligibility as of March 7, 2010, that is consistent with this decision.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css