

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MANETTE ANDERSON

Claimant

APPEAL NO: 13A-UI-04930-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SHRI SUBHA & LABHA INC

Employer

OC: 03/24/13

Claimant: Appellant (1/R)

Iowa Code § 96.5-1 - Voluntary Quit
871 IAC 24.27 - Voluntary Quit of Part-Time Employment

STATEMENT OF THE CASE:

Manette Anderson (claimant) appealed an unemployment insurance decision dated April 19, 2013, reference 03, which held that she voluntarily quit her employment with Shri Subha & Labha, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing began on June 3, 2013 and was completed on July 17, 2013. The claimant participated in the hearing. The employer participated through Julie Patterson, General Manager and Marco Gonzales, Director of Sales. Jennifer Depuew, former General Manager, participated in the second part of the hearing. Employer's Exhibits One through Four were admitted into evidence. This case was heard by Administrative Law Judge Julie Elder. Before a decision could be issued Judge Elder went on an indefinite leave of absence. The case was re-assigned to Administrative Law Judge Susan Ackerman per direction from lead worker Administrative Law Judge Teresa Hillary. Judge Ackerman is hereby issuing a decision based upon the taped recording of the hearing and the exhibits admitted into the record.

ISSUE:

The issue is whether the claimant's voluntary separation from her part-time employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time guest services agent from August 6, 2012 through April 9, 2013 when she voluntarily quit after a reprimand. The employer had issued her a verbal warning on January 20, 2013 for inaccurate cash handling. A written warning was issued on January 23, 2013 for substandard work and a second written warning was issued on March 20, 2013 for violating company policy. The claimant changed the schedule without authorization and without notifying the general manager. The employer warned the claimant that any further incidents would result in a final warning.

The employer issued the claimant a final warning on April 9, 2013 for failing to complete the laundry on April 7, 2013. She felt the disciplinary action was unwarranted and told the employer she was going home because she was sick. The claimant said she was not quitting and would return for her shift on Friday. There had been no previous mention of illness and the employer told the claimant not to return if she walked off the job. The claimant refused to talk about it and left.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code § 96.6-2. She quit on April 9, 2013 after receiving a reprimand. The law presumes it is a quit without good cause attributable to the employer when an employee leaves after being reprimanded. 871 IAC 24.25(28). The claimant testified she quit because of the final warning. She did not think the written warnings were fair and she felt she was doing the best job she could. The claimant failed to meet her burden and her separation was not attributable to the employer.

However, an individual who quits part-time employment without good cause, yet is otherwise monetarily eligible based on wages paid by other base-period employers, shall not be disqualified for voluntarily quitting the part-time employment. Benefit payments shall not be based on wages paid by the part-time employer and charges shall not be assessed against the part-time employer's account. Once the individual has met the requalification requirements, the wages paid from the part-time employment can be used for benefit payment purposes. 871 IAC 24.27.

Based on this regulation, this matter is remanded to the Claims Section to determine whether the claimant is monetarily eligible to receive unemployment insurance benefits when the wage credits the claimant earned while working for the employer are not used in determining the claimant's monetary eligibility or her maximum weekly benefit amount.

DECISION:

The unemployment insurance decision dated April 19, 2013, reference 03, is affirmed. The claimant voluntarily quit her part-time employment for disqualifying reasons. Therefore, the employer's account will not be charged. This matter is remanded to the Claims Section to

determine whether the claimant is monetarily eligible to receive unemployment insurance benefits and to determine what her maximum weekly benefit amount is when the wage credits the claimant earned from the employer are not taken into consideration to determine these two issues.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs