

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAREL V RICHMOND
Claimant

APPEAL 15A-UI-02063-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE QUEEN OF CLEAN LLC
Employer

**OC: 01/18/15
Claimant: Appellant (4-R)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.27 – Voluntary Quitting Part-time Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 9, 2015, (reference 02) unemployment insurance decision that denied benefits based upon the claimant's separation. The parties were properly notified about the hearing. A telephone hearing was held on March 16, 2015. The claimant participated with witnesses, Karla Fairchild and Stacy Richmond. The employer participated through Scott Marswedi.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Is the claimant otherwise monetarily eligible for benefits?
Is the employer liable for benefit charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a cleaner and was separated from employment on January 20, 2015, when he resigned via text message. The claimant resigned due to his dissatisfaction with his shifts and the work environment. The claimant did not have a driver's license which limited his ability to work more shifts. The claimant planned to get his license but did not have the money available prior to his resignation. While not required, a license would have allowed the claimant more shift opportunities. The claimant offered two weeks' notice after offering his resignation. The employer accepted the claimant's resignation, effective immediately, because he was on a 90-day probation.

The administrative record shows that the claimant has not requalified for benefits and had other base period wages but the record is unclear as to whether he is otherwise monetarily eligible.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit this part-time employment without good cause attributable to the employer, but has not requalified and the record is unclear as to whether claimant is otherwise monetarily eligible after deletion of these wage credits.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

Iowa Code § 96.5-1-g 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. 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.

Iowa Admin. Code r. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be

made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The claimant voluntarily quit due to dissatisfaction with the shifts he was being given. The claimant was aware he could obtain more shifts if he had a driver's license but did not obtain one during the course of his employment. His reason for quitting is not good cause attributable to the employer. Inasmuch as the claimant voluntarily quit without good cause, the separation is disqualifying. The claimant has not requalified for benefits since the separation but may be otherwise monetarily eligible according to base period wages.

DECISION:

The February 9, 2015, (reference 02) decision is modified in favor of the appellant. The claimant voluntarily left the part-time employment without good cause attributable to the employer and has not requalified for benefits but may be otherwise monetarily eligible. Benefits are allowed, provided the claimant is otherwise eligible. The employer's account shall not be charged.

REMAND:

The monetary eligibility issue after the quit of this part-time employment (employer account number 514145-000) as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/pjs