

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MELISSA L GOTTSCHALK**  
Claimant

**SENIOR HOUSING MANAGEMENT INC**  
Employer

**APPEAL 21A-UI-07338-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/27/20**  
**Claimant: Appellant (4)**

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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/appellant, Melissa A. Gottschalk, filed an appeal from the March 2, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 19, 2021. The claimant participated. The employer, Senior Housing Management Inc., participated through Amy McAtee, director.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did claimant voluntarily quit the part-time employment with good cause attributable to employer?  
Has the claimant requalified or is she 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/on call as a resident aide and was separated from employment on June 21, 2020, when she quit the part-time employment. Continuing work was available.

During claimant’s employment with this employer, she also worked concurrently, full-time for Wendling Quarries. Claimant remains employed full-time there, and quit this employment (with Senior Housing Management Inc.) because of its COVID-19 policies, which required she self-quarantine for two weeks each time she had contact with out of state family/friends. Due to claimant’s full-time job with Wendling Quarries, that was not practical.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer, but has requalified and appears to be otherwise monetarily eligible.

Iowa Code section 96.5(1) 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.

Iowa Code section 96.5(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.

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 Form 655323, 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.

This rule is intended to implement Iowa Code section 96.5(1)g.

See also, *McCarthy v. Iowa Emp't Sec. Comm'n*, 76 N.W.2d. 201 (Iowa 1956) wherein the court held that persons who become unemployed by a layoff from their full-time employer cannot be disqualified for a previous voluntary quit from a part-time employer.

Inasmuch as claimant quit because she did not want to repeatedly self-quarantine for this job, (which would impact her other full-time employment) the separation is disqualifying. However, the claimant has requalified for benefits since the separation and also appears to be otherwise monetarily eligible according to base period wages. Benefits are allowed, provided she is otherwise eligible. This employer is not charged.

**DECISION:**

The March 2, 2021, (reference 01), unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment without good cause attributable to the employer, has requalified for benefits and appears to be otherwise monetarily eligible. Benefits are allowed, provided she is otherwise eligible. The account of this employer shall not be charged.



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May 27, 2021  
Decision Dated and Mailed

jlb/scn