

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY A CHODUR
Claimant

APPEAL NO. 14A-UI-09740-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 08/10/14
Claimant: Respondent (4)

Section 96.5-1 – Voluntary Quit
20 CFR 617 – Trade Act Benefits

STATEMENT OF THE CASE:

Casey's Marketing Company (employer) appealed a representative's September 11, 2014, decision (reference 04) that concluded Kimberly Chodur (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 8, 2014. The claimant participated personally. The employer participated by Cora Hoelscher, General Store Manager, and Alisha Weber, Unemployment Insurance Consultant. The employer offered and Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on November 8, 2012, as a part-time cashier. On April 20, 2014, the claimant wrote the employer a resignation letter indicating she was resigning in two weeks because she was moving, she had a cleaning business, and she was busy with school. The claimant worked through May 3, 2014. Continued work was available had the claimant not resigned. She moved from Manly, Iowa, to Osage, Iowa, and has a cleaning business. The claimant is enrolled in school at Buena Vista University.

The claimant was formerly adversely affected by foreign trade and workers were laid off due to lack of work at a previous employer on September 4, 2012. She started school on October 22, 2012, and began receiving Trade Adjustment Assistance (TAA) in the form of Trade Readjustment Allowances (TRA) the week ending August 17, 2013, when her regular benefits exhausted.

The claimant refiled for unemployment insurance benefits with an effective date of August 10, 2014. The employer participated personally at the fact-finding interview on September 13, 2014, by Alisha Weber.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after her separation from work.

The TAA regulations provide that an individual shall not be paid TRA for any week of unemployment the individual is or would be disqualified to receive unemployment insurance benefits under the provisions of the applicable State law. 20 CFR 617.18(a). The regulations, however, provide that an individual shall not be disqualified for regular unemployment insurance benefits or TAA benefits if an individual is employed in unsuitable employment and it was reasonable and necessary for the individual to quit work to begin or continue TAA-approved training. 20 CFR 617.18(b)(iii). The claimant in this case quit unsuitable work because it was reasonable and necessary for her to do so to enter TAA-approved training. The claimant is eligible to receive unemployment insurance benefits and the employer will not be charged.

DECISION:

The representative's September 11, 2014, decision (reference 04) is modified in favor of the appellant. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because she quit for unsuitable work under the Trade Act. The employer will not be charged.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css