

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL L LAFOUNTAIN
Claimant

APPEAL NO. 14A-UI-00371-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NPC INTERNATIONAL INC
Employer

**OC: 12/08/13
Claimant: Appellant (4)**

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 7, 2014, (reference 04) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on February 4, 2014. Claimant participated. General manager David Bronstein participated for the employer after calling in response to the administrative law judge's call about his initial unavailability.

ISSUE:

Has the claimant requalified for benefits since the separation from this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a delivery driver from February 2013, and was separated from employment on February 23, 2013. Claimant quit his job after working three shifts totaling 12 to 15 hours because he did not believe he was receiving sufficient hours and wanted to look for other full-time work. He did not know why he could not have looked for full-time work while continuing to work this part-time job. At hire Bronstein told him he would be assigned 25 to 30 hours per week. He did not give Bronstein a reason for or notice that he was quitting. Bronstein had to call him a couple of times because claimant did not realize he was scheduled. On one occasion, Bronstein told claimant he was scheduled to work the next day and he did not report. Claimant did not complain to Bronstein about the perceived lack of hours. Continued work was available.

The claimant has requalified for benefits since the separation from NPC (account number 301497) because of reported wages with All American Turf Beauty during the third and fourth quarter of 2013.

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 for benefits.

Iowa Code section 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Claimant did not give the employer a chance to give him the promised hours and quit without reason or notice. This is a disqualifying separation. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 301497) shall not be charged.

DECISION:

The January 7, 2014, (reference 04) decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs