

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MUTIAT T ODESANYA**  
Claimant

**APPEAL NO: 19A-UI-06214-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLLAR TREE STORES INC**  
Employer

**OC: 07/07/19**  
**Claimant: Respondent (1)**

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

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated July 29, 2019, reference 02, which held that the claimant was eligible for unemployment insurance benefits because she voluntarily quit her part-time job. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 28, 2019. The claimant did not respond to the hearing notice and did not participate in the hearing. Steven Hodges, Store Manager, participated in the hearing on behalf of the employer.

**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 assistant manager for Dollar Tree Stores until April 29, 2019. She voluntarily quit her job by sending Store Manager Steven Hodges a text message stating she was quitting. The employer had continuing work available.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

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 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.

The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code section 96.6-2. The claimant voluntarily quit her job by texting the employer and stating she quit.

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.

Any wages earned with this employer and used on the claimant's claim have been removed. However, there are sufficient wages earned with other employers on the claimant's claim. Therefore, benefits are allowed but the account of this employer shall not be charged.

**DECISION:**

The unemployment insurance decision dated July 29, 2019, reference 02, is affirmed. The claimant voluntarily quit her part-time employment for disqualifying reasons. Therefore, the employer's account will not be charged. Benefits are allowed from wages the claimant earned with other employers.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn