

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WANDA J CARTER**  
Claimant

**APPEAL NO: 07A-UI-11029-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STATE UNIVERSITY**  
Employer

**OC: 02/11/07 R: 04  
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.27 – Voluntary Quit a Part-Time Job

**STATEMENT OF THE CASE:**

Wanda J. Carter (claimant) appealed a representative's November 19, 2007 decision (reference 04) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Iowa State University (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 13, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate at the hearing. As a result, no one represented the claimant. Marlene Burkheimer, a human resource specialist, and Susan Klein, a nutrition and health field specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on July 16, 2007. The claimant worked part-time or 30 hours a week as a nutrition assistant. At the time of hire, the employer informed the claimant she was on a six-month probation. To satisfactorily complete her probation, the claimant had to teach eight lessons to her supervisors, which showed she knew the material she had to teach to her future clients and have 20 to 25 clients, which meant she was teaching these clients.

Prior to September 27, the claimant noted on her weekly logs she was studying the teaching lessons. Also, prior to September 27, the claimant cancelled five scheduled days she was to teach a supervisor a lesson. On September 27, the claimant's supervisor assumed the claimant

knew the teaching material and gave her a schedule of days she would teach lessons to a supervisor. On September 27, the employer informed the claimant that as of October 6, the employer required her to have eight lessons taught to a supervisor. If the claimant did not have eight lessons taught, the employer would discharge her.

On October 3, 2007, the claimant resigned. The claimant indicated she was resigning because she did not want to be discharged.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence in this case establishes the claimant quit her employment on October 3, 2007. When the employer told her on September 27 she had to have taught eight lessons to her supervisor by October 6, this was not an unreasonable request. The employer's conclusion that the claimant knew the material she had to teach was reasonable since the claimant had been previously scheduled to teach five lessons. The claimant reported on her work log that she had been studying the lessons. The employer gave the claimant a schedule on September 27 to accomplish the objective of teaching eight lessons. The claimant's failure to meet the required objective in addition to informing the employer she was resigning amounts to a voluntarily quit situation. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when she leaves employment instead of performing the assigned work as instructed. 871 IAC 24.25(26). If the claimant had been working a full-time job, she would not be qualified to receive unemployment insurance benefits. However, the claimant was only working part-time or 30 hours a week. A claimant who voluntarily quits part-time employment without good cause and has not requalified for benefits may be eligible to receive benefits if she is monetarily eligible to receive benefits based on wage credits she has earned from other employers in her base period. 871 IAC 24.27. Even though the claimant voluntarily quit this part-time job without good cause, she is eligible to receive benefits as of October 7, 2007, because she is monetarily eligible to receive benefits based on wages she earned from other employers.

The employer is not a base period employer and will not be charged for any benefits the claimant may receive.

**DECISION:**

The representative's November 19, 2007 decision (reference 04) is modified in the claimant's favor. The claimant voluntarily quit her employment without good cause. Since the claimant was working part-time, she is eligible to receive benefits as of October 7, 2007, because she is

monetarily eligible to receive benefits based on wage credits she earned from other employers. The employer's account will not be charged.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/css