

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

ALMA HECIMOVIC
#324
3407 GRAND AVE
DES MOINES IA 50312

WESLEY RETIREMENT SVCS INC
5508 NW 88 ST STE 120
JOHNSTON IA 50131

Appeal Number: 05A-UI-01030-DWT
OC: 12/19/04 R: 02
Claimant: Appellant (2/R)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the *Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.*

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Alma Hecimovic (claimant) appealed a representative's January 24, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Wesley Retirement Services, Inc. (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 February 16, 2005. The claimant participated in the hearing. Chris Rehmer appeared on the employer's behalf. Zijo Sucecka interpreted the hearing proceedings. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant qualified to receive benefits if she voluntarily quit a part-time job?

FINDINGS OF FACT:

The claimant started working for the employer on July 31, 2001. She worked as a part-time cook, 20 to 24 hours a week. In November 2003, the claimant started working full time for another employer.

The claimant's husband is a truck driver. Working both jobs got to be too much for the claimant because she has children at home. The claimant decided she needed to spend more time with her children. A few weeks before the claimant left her job, she gave subtle hints to her co-workers that she may be quitting. The claimant did not tell Rehmer she was quitting. The claimant worked November 1 and did not return to work. The employer considered the claimant a good employee and there was continuing work for her to do. The claimant continued her employment with her full-time employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The claimant quit for compelling personal reasons. If the claimant had quit a full-time job, she would not be eligible to receive unemployment insurance benefits because she quit without good cause attributable to the employer. The employer's account will not be charged. Iowa Code §96.7-2-a.

However, a claimant who quits a part-time job without good cause and has not requalified for benefits following the voluntary quit, but is otherwise monetarily eligible for benefits based on wages for her regular or other base period employers, is not disqualified from receiving unemployment insurance benefits. Until a claimant has earned requalifying wages, the part-time wage credits cannot be considered in determining the claimant's benefit payment.

The claimant quit a part time job and has wage credits in her base period from her full-time or regular employer. Between November 1 and December 19, 2004, the claimant did not earn \$2,424.00 in wages and has not requalified to receive unemployment insurance benefits. Based on wage credits from her other employer, it appears the claimant is still monetarily eligible to receive benefits. This case is remanded to the Claims Section to redetermine the claimant's maximum weekly benefit amount based on wage credits from the claimant's other or full-time employer.

DECISION:

The representative's January 24, 2005 decision (reference 01) is reversed. The claimant voluntarily quit her part-time job without good cause attributable to the employer. The employer's account will not be charged. Since the claimant a quit a part-time job and has wages credits from another employer, she is not disqualified from receiving unemployment insurance benefits as of December 19, 2004. This case is remanded to the Claims Section to

determine the claimant's weekly benefit amount when the wage credits from this employer are not included.

dlw/tjc