

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIC L TRACY

Claimant

APPEAL NO. 07A-UI-03699-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RETAIL GROCERY INVENTORY SVC

Employer

**OC: 03/11/07 R: 04
Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Retail Grocery Inventory Service (employer) appealed a representative's March 29, 2007 decision (reference 01) that concluded Eric L. Tracy (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 25, 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 in the hearing. As a result, no one represented the claimant. Maureen Natelino, the area manager, 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 his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on May 1, 2006. The claimant worked an average of 15 hours a week as an auditor for the employer.

On March 8, 2007, the claimant contacted the employer two hours before he was scheduled to work and reported he was quitting effective immediately because he had found other employment. The employer understood the claimant was going to work for a staffing company.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits because he has accepted and has performed services for a new employer, a

claimant is not disqualified from receiving unemployment insurance benefits, and the employer's account is not subject to charge. Iowa Code § 96.5-1-a. Since the claimant did not participate in the hearing, it is not known what offer of work he accepted or when he was to start working for the new employer.

The record indicates the claimant established a claim for unemployment insurance benefits during the week of March 11, 2007. He did not report earning any wages until the week of April 7 or about a month later. The facts presented during the hearing do establish that the claimant quit his employment for reasons that qualify him to receive unemployment insurance benefits.

When a claimant quits a part-time job for reasons that do not qualify him to receive unemployment insurance benefits, he may still be qualified to receive benefits even though he has not requalified if he is monetarily eligible to receive benefits based on wages from other employers in his base period. 871 IAC 24.27. Even though the claimant's claim is currently locked because he voluntarily quit for reasons that do not qualify him to receive unemployment insurance benefits, the issue of whether the claimant is monetarily eligible to receive benefits based on wages the claimant from other employers during his base period is remanded to the Claims Section. The Claims Section will determine if the claimant is monetarily eligible to receive benefits under 871 IAC 24.27 and whether he has been overpaid any unemployment insurance benefits.

DECISION:

The representative's March 29, 2007 decision (reference 01) is reversed. The claimant quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. Based on the reasons for this employment separation, as of March 11, 2007, the claimant is not qualified to receive unemployment insurance benefits. The employer's account will not be charged. Since the claimant quit a part-time job, the issue of whether he is monetarily eligible to receive benefits based on wages he earned from other part-time employers is remanded to the Claims Section to determine and decide if the claimant has been overpaid any unemployment insurance benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css