

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

BRENDA F GRANT
1505 S 14TH
BURLINGTON IA 52601

THOMAS SHOCKLEY JR
NAIFEH FOODS
209 HARRISON AVE
BURLINGTON IA 52601

Appeal Number: 04A-UI-00291-SWT
OC 11/30/03 R 04
Claimant: Appellant (2)

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 of Part-time Job

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 31, 2003, reference 01, that concluded the claimant voluntarily quit employment without good cause. A telephone hearing was held on February 2, 2004. The claimant participated in the hearing. Becky Shockley participated on behalf of the employer.

FINDINGS OF FACT:

The claimant worked part-time for the employer as a cashier from May 10, 2003 to November 21, 2003. The claimant voluntarily quit her part-time job after being reprimanded by her supervisor on November 21, 2003, for absenteeism and not being pleasant toward customers. The claimant was not discharged and work was available for the claimant if she had not quit.

The claimant filed a new claim for unemployment insurance benefits with an effective date of November 30, 2003. The claimant's base period was from July 1, 2002 to June 30, 2003. The employer paid the claimant \$560.00 in wages during the second quarter of 2003. The claimant's weekly benefit amount was determined to be \$149.00, based on the wages during the third quarter

of 2002 from Beaton Inc. The claimant has sufficient wages from other employers in her base period to qualify for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code Section 96.5-1 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.

871 IAC 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 the Form 65-5323 or 60-0186, 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.

The claimant voluntarily quit employment without good cause attributable to the employer. The job, however, was part-time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated December 31, 2003, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

saw/kjf