

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TIFFANY D LOFTON
Claimant

REM IOWA COMMUNITY SERVICES INC
Employer

APPEAL NO. 14A-UI-08693-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/08/13
Claimant: Appellant (3R)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 19, 2014, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 9, 2014. Claimant participated. Employer participated by Judy Chatfield and Robin Thurman.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 31, 2014. Claimant was starting up nursing school, and wanted to change her hours of work. Claimant stated that unless she was able to get more agreeable hours she was going to quit. Claimant was working full-time overnight hours. Claimant was offered weekend, evening, part time and full-time shifts. Claimant declined each of these offers of changed shifts.

When claimant stated that unless her hours were adjusted she would have to quit on July 24, 2014, employer answered that they had no more options available for claimant to change shifts. Claimant's last day of work was July 31, 2014. On that date claimant had worked through the rest of the schedule that had been established when she stated she was quitting on July 24, 2014.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was unable to get the hours she decided. Claimant had gone to employer repeatedly stating that she was going to quit if she did not get hours that would work better with her nursing school classes. Although employer tried to accommodate her, it was unable to do so.

The court interprets claimant's actions as a voluntary quit of her position such that she could pursue her nursing career. The fact that employer was unable to create a schedule for claimant that would aid her does not amount to claimant's quitting being for good cause attributable to employer.

DECISION:

The decision of the representative dated August 19, 2014, reference 02, is modified. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible. As the fact finder ruling found that claimant should be eligible for unemployment benefits from August 3, 2014 until August 16, 2014, this ruling modifies the fact-finder's decision.

This matter is returned to the fact finder for further action in accordance with this ruling.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css