

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CONNIE S CRONBAUGH-COLLINS**  
Claimant

**APPEAL NO. 12A-UI-06727-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TENCO INDUSTRIES INC**  
Employer

**OC: 04/29/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 31, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on July 2, 2012. Claimant participated. Employer participated through Support Services Director Rhonda Johnson. Claimant's Exhibit A was admitted to the record.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a residential instructor from April 15, 2002 and was separated from employment on May 2, 2012. During those ten years, she worked three days per week from 3:30 p.m. Friday through 7:30 a.m. Sunday for 17 hours on one shift, six on another, and 12 or 14 on the third shift to reach full-time hours. In a meeting on January 11, 2012, the employer explained to employees the shift changes scheduled to take place on February 26, 2012. The result would mean that claimant would no longer be able to sleep on three overnight shifts per week to reach full-time hours and she would be scheduled Monday through Thursday for 10-hour overnight shifts. The employer made the change because the employer needed to have employees stay awake on overnight shifts to ensure the safety of the residents. Claimant was on Family Medical Leave Act (FMLA) leave from February 2 through April 30, 2012 and quit upon her return.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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 24.25(18) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(18) The claimant left because of a dislike of the shift worked.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant's dislike of the insubstantial shift change for a reasonable, client-centered schedule improvement was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The May 31, 2012 (reference 01) decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw