

**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**

**TERI A KAUFFMAN
913 6TH AVE
BELLE PLAINE IA 52208-2013**

**BELLE PLAINE COUNTRY FOODS
1206 7TH AVE
BELLE PLAINE IA 52208**

**Appeal Number: 04A-UI-03145-MT
OC: 02/15/04 R: 03
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

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 17, 2004, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 21, 2004. Claimant participated. Employer participated by Dennis Schwab, Store Owner and Manager.

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 February 17, 2004. Claimant was taken off the schedule for a week and claimant filed for partial unemployment. Claimant was

not put on the schedule for the next week either. Claimant went back in and filed for unemployment again, as no work was available. Employer assumed claimant quit after the filing for unemployment. Employer did not call claimant or put her back on the schedule.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. The administrative law judge holds that the evidence established that claimant voluntarily quit for good cause attributable to employer because employer took claimant off the schedule. This gave claimant the right to file for unemployment. Claimant's application for unemployment is not a quit. Employer took claimant off the schedule. This is a separation for cause attributable to employer. Claimant did not quit. Claimant did not want to be taken off the schedule. Claimant did not ask to be taken off the schedule. The separation was due to actions of the employer. Benefits allowed.

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.

DECISION:

The decision of the representative dated March 17, 2004, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

mdm\kjf