

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHAD M BENNETT**  
Claimant

**APPEAL NO. 08A-UI-03705-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOME DEPOT USA INC**  
Employer

**OC: 03/02/08 R: 02  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Chad Bennett filed an appeal from a representative's decision dated March 27, 2008, reference 01, which denied benefits based upon his separation from Home Depot USA, Inc. After due notice was issued, a hearing was held by telephone on May 1, 2008. Mr. Bennett participated personally. Although duly notified the employer failed to respond to the hearing notice and did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer for approximately a two to three-week period ending on March 6, 2008 when he voluntarily quit employment without advanced notice. Mr. Bennett was employed as a part-time night stocker and was paid by the hour. The claimant quit his employment with Home Depot USA, Inc. due to dissatisfaction with the night working hours and because of domestic responsibilities. The claimant was aware of the nighttime hours when he accepted employment. An additional factor in the claimant's decision to leave was his desire to resume an employment career in the aviation field.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence establishes that Mr. Bennett left his employment for reasons that were attributable to the employer. It does not. The evidence in the case clearly establishes that Mr. Bennett was aware of the hours and nature of work with Home Depot when he accepted his part-time position as a night stocker. Subsequently the claimant made a decision to leave this employment because of domestic circumstances and because of his dislike of nighttime working hours. The claimant also wished to pursue a career in aviation. Work continued to be available to Mr. Bennett at the time of his leaving.

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), (23) 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.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

For the reasons stated herein the administrative law judge concludes that the claimant voluntarily quit employment for reasons that were not attributable to the employer. Unemployment insurance benefits are withheld.

An individual who quits part-time employment without good cause attributable to the employer and who has not requalified by earning ten times his or her weekly benefit amount in wages for insured work but who nonetheless has sufficient other wage credits to be monetarily eligible may receive reduced benefits based upon other base period wages. Welch v. IDJS, 421 N.W.2d 150 (Iowa App. 1989) and 871 IAC 24.27.

The claimant in this case has established good cause for late filing of his appeal due to delay in the receipt of his mail by the U.S. Postal Service.

**DECISION:**

The representative's decision dated March 27, 2008, reference 01, is hereby affirmed. The claimant voluntarily quit work for reasons not attributable to the employer. Unemployment

insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided that he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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