

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY L ZENOR

Claimant

APPEAL NO: 14A-UI-06653-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES INC

Employer

OC: 05/25/14

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 17, 2014 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit for reasons that do not qualify him to receive benefits. The claimant participated at the July 18 hearing. Janet Reese, a staffing specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit this employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

In mid-March 2014 when the claimant accepted the job assignment at Omega Cabinets, he told the employer's representative he wanted a full-time job. The paperwork the claimant signed indicated he was assigned to a full-time job which meant 32 to 40 hours a week. The claimant's definition of full time meant working 40 hours a week. With the exception of first week and last week of work, the claimant worked 32 hours or more a week at Omega Cabinets. The last week, the claimant worked 22 hours because work in the department was assigned slowed down.

The employer offered the claimant another job at Omega Cabinets. Again, the employer told the claimant this was a full-time job. When the claimant investigated, he learned he would only be working 32 hours or more a week. He declined the job in another department because he wanted to work 40 hours a week.

The claimant lived 35 miles from work. The claimant calculated it cost him \$20 a day to drive his pickup to and from work. When he did not work 40 hours a week, the claimant concluded he could not meet his financial obligations. The claimant quit the Omega Cabinet assignment because he was not making enough money to meet his financial obligations. The claimant informed the employer he had to quit. The claimant's last day of work was May 2, 2014.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits with good cause if there is a substantial change in the employment. 871 IAC 24.26(1). Even though the claimant wanted to work 40 hours a week, the employer informed him that full time meant 32 to 40 hours a week and the employer did not guarantee a minimum number of hours of work a week. The claimant quit for personal reasons. While his reasons are compelling, they do not qualify him to receive benefits. As of May 25, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's June 17, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for compelling reasons, but these reasons do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 25, 2014. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css