

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAD A MAYO
Claimant

APPEAL NO. 12A-UI-08929-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 06-24-12
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 20, 2012, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on August 20, 2012. The claimant did participate. The employer did not participate.

ISSUE:

Did the claimant voluntary quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a meat clerk part time beginning June 1, 2012 through end of June 2012 when he voluntarily quit. The claimant was hired to work primarily nights and weekends. When he filled out his job application the claimant indicated that he had no restrictions on his hours of work. After he was hired the claimant changed his availability for work and indicated he was no longer able to work nights or weekends due his ex-wife's change in her schedule. He then told the employer he only wanted to work days. The employer did not have any work available for him on day shifts as he had been hired to work nights and weekends. The only reason the claimant was not working was due to his own changing of his availability. The claimant essentially quit because he was no longer willing to work the hours and shifts he was hired to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

The claimant indicated he would work any shift when hired but after hire changed his availability to exclude nights and weekends from the hours he was willing to work. The employer is not obligated to accommodate a change in the claimant's schedule. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The July 20, 2012 (reference 03) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs