

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DENNIS D WROE**  
Claimant

**APPEAL NO. 10A-UI-09423-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BERTCH CABINET MFG INC**  
Employer

**OC: 12/20/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated June 25, 2010, reference 01, which denied benefits based upon his separation from Bertch Cabinet Manufacturing, Inc. After due notice was issued, a telephone hearing was held on August 18, 2010. The claimant did participate. The employer participated by Missy Tann, human resource director, and Chad Bedard, supervisor.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Dennis Wroe was employed by Bertch Cabinet Manufacturing, Inc. from March 1, 1994, until April 15, 2010, when he voluntarily left employment to pursue educational goals. Mr. Wroe worked as a full-time production worker and was paid by the hour.

Prior to leaving employment. Mr. Wroe spoke to company management and his supervisor about his plans to leave employment to enter Veterans Administration training for a different career field. No other reasons for leaving were given to the employer by Mr. Wroe.

During the approximate two years preceding his leaving employment, the claimant's and other employee's working hours had been reduced to approximately 32 hours per week due to economic conditions. Employees were routinely offered additional working hours if they were willing to avail themselves of them. Mr. Wroe often did not take additional working hours that were available. The claimant had been off work due to short-term disability from January 12, 2010, until he returned to work on April 1, 2010, at which time he provided his notice of intention to leave for education reasons.

**REASONING AND CONCLUSIONS OF LAW:**

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

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if the conditions persist in order to preserve eligibility for benefits. See Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

In this case, the claimant only indicated his desire to enter training as the reason for leaving employment. The evidence establishes that although Mr. Wroe may have been dissatisfied with the general reduction in working hours, he had not complained to his employer about the reduction or indicated it was a reason for leaving employment. The claimant only cited his desire to continue his educational pursuits. The administrative law judge also notes that Mr. Wroe did not avail himself of additional working hours that were available when he had the opportunity to do so.

Inasmuch as the claimant did not give the employer an opportunity to resolve his complaints prior to leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's decision dated June 25, 2010, reference 01, is affirmed. The claimant is disqualified. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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