

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHARLES H SMITH
Claimant

AHTSHAM CHAUDRAY
Employer

APPEAL NO. 21A-UI-07253-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/17/21
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 3, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 19, 2021. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Claimant's Exhibits A-C were admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed by employer as a part time prep worker and dishwasher. Claimant last worked for employer on or around January 17, 2021. Claimant stated that he looked at his upcoming schedule on or around January 20. He found out that he was only scheduled for one day the next week. Claimant called employer to ask about why he was not scheduled for more hours. Employer told claimant that they would talk about the schedule when claimant came in. Claimant told employer that he was not coming in. Employer did not schedule claimant after that decision not to come in.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was scheduled for less hours than he wanted to be scheduled. Claimant was hired as a part time employer. Claimant's testimony indicated that he was not given consistent hours to work throughout his 3 months working for employer.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant might have had a good cause reason to quit, or the employer might have had some poor reason why the hours were being reduced. Claimant chose to quit without going in to speak with employer about the reason for the 1 shift in a week. So claimant did not know if this was done as a result of a specific, reasonable concern. As claimant did not pursue that matter any more fully, and just told employer that he wasn't coming in, this is a voluntary quit on claimant's part. Absent further information, the quit is without good cause attributable to employer.

DECISION:

The decision of the representative dated March 3, 2021, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

May 26, 2021
Decision Dated and Mailed

bab/ol