

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

FATHIA A ADAM
Claimant

STAFF MANAGEMENT SOLUTIONS LLC
Employer

APPEAL 20A-UI-09005-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 5/10/20
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 27, 2020, the claimant filed an appeal from the July 22, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 11, 2020. Claimant participated. Employer did not participate. The hearing was interpreted.

ISSUE:

Did claimant quit with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on June 17, 2019. Claimant last worked as a part-time production worker. Claimant was separated from employment on January 19, 2020, when her employer stopped assigning her work. Claimant worked part-time. Her employer would assign her to work 16 to 28 hours a week depending on need. As of January 19, 2020 the employer stopped providing her hours. Claimant contacted the employer to ask for more hours and to be put on the schedule and received no response from her employer.

REASONING AND CONCLUSIONS OF LAW:

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

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 claimant did not quit her employment. The credible evidence is that the employer stopped assigning claimant work. By not assigning claimant hours the employer terminated claimant's employment. There is no evidence that claimant should be disqualified for receiving unemployment benefits regarding her termination from work.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 22, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are payable, provided claimant is otherwise eligible.



James F. Elliott
Administrative Law Judge

September 14, 2020
Decision Dated and Mailed

je/sam