

May 3, 2004 until August 20, 2005. She was hired to work part time as a pizza maker for approximately 26 hours each week. Ms. Wiseman gave two week's notice on August 20 but was not allowed to work through her notice period.

Ms. Wiseman quit because she had not received a performance review. The review was to be done annually but she had not received one at any point in her employment. She discussed the matter with her manager in July and was told it was being worked on. She never indicated she would quit if her review was not completed. Ms. Wiseman also quit because she had not been given full-time hours as promised. She spoke with her manager about the issue in July and was told that additional hours would be forthcoming but that it could take a while. She was told that additional hours would become available because two employees had plans to leave. Ms. Wiseman was not given a specific date as to when her hours would increase. As of August 20, neither of the two employees had confirmed their ending date. Ms. Wiseman never went over her manager concerning issues with her review or the number of hours she was working. Continued work would have been available if she had not quit.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Wiseman was separated from employment for any disqualifying reason. She submitted her resignation on August 20 by giving two week's notice. She was not allowed to work the remaining two weeks. Where an individual is discharged prior to the effective date of resignation, benefits are allowed from the last day worked until the effective date of the resignation. See 871 IAC 24.25(38). The separation becomes a quit issue as of the effective date of resignation. Ms. Wiseman's resignation was to be effective September 3, 2005. For the above reasons, benefits are allowed from August 20 through September 3, 2005.

Ms. Wiseman intended to quit her employment because she had not received her annual performance review and because she had not been given full-time hours. She was still being provided the number of hours for which she was hired. Although she had been told she would be receiving full-time hours, she was given no specific date by which this was to occur. Ms. Wiseman knew that an increase in her hours was to occur after two others left the employment. Inasmuch as she was receiving the hours promised at the time of hire and inasmuch as there was no specific date by which her hours were to be increased, the administrative law judge concludes that the employer's failure to have increased her hours by August 20 did not constitute good cause attributable to the employer for quitting.

It is true that Ms. Wiseman's performance review was at least three months late. However, she knew the manager was working on it. The employer had no notice that her continued employment was dependent upon her receipt of her evaluation. Ms. Wiseman could have contacted the corporate office regarding her manager's failure to have the evaluation completed but did not do so.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Ms. Wiseman's quit was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated September 8, 2005, reference 01, is hereby modified. Ms. Wiseman is allowed benefits from August 20 through September 3, 2005 as she was discharged prior to the effective date of her resignation. She voluntarily quit the employment effective September 3, 2005 for no good cause attributable to the employer. Benefits are withheld effective September 4, 2005 and until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/pjs