

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICKY J WALLER
Claimant

APPEAL NO: 10A-UI-07888-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S GENERAL STORES
Employer

OC: 05//17/09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a representative's May 21, 2010 decision (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant quit his employment for reasons that qualify him to receive benefits. A telephone hearing was held on July 19, 2010. The claimant participated in the hearing with his witness, Mary Knebel, a former assistant manager. Sarah Dobbins, the store manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 15, 2009. The employer hired, the claimant to make donuts and breakfast 30 hours a week, Monday through Friday, 4:00 to 10:00 a.m.

After the claimant was hired, he bought black jeans to satisfy the employer's dress code. Neither Dobbins nor her supervisor said anything to the claimant about his jeans for over six months. A few weeks before the claimant handed in keys, the employer told him the pants he had been wearing for the last six months did not meet the employer's dress code and he had to buy new pants that were more like dress pants. The claimant was frustrated with the way Dobbins and her supervisor treated him. He did not believe they treated him fairly.

One of the final incidents that led the claimant to resign was the employer's failure to let him know an oven had been repaired after a fire. The claimant learned on a Wednesday afternoon that the oven had been repaired on Tuesday. He was extremely frustrated at Dobbins because she had been working that Wednesday morning and saw him running around because he was only using one oven. The claimant asked Dobbins why she had not told him he could use an oven. She told him she forgot.

Just prior to his employment separation, the employer asked the claimant if he would work a weekend because other employees had been given that time off. The claimant informed Dobbins he could not work that week end. The next posted schedule, the employer scheduled the claimant to work a weekend. Dobbin's supervisor told her she had to schedule the claimant to work weekends and that he had to buy pants that complied with the employer's dress code. As a result of changing the hours he had been working, requiring him to purchase new pants after six months, and failing to let him know an oven had been repaired, the claimant handed in his keys on March 28, 2010. The claimant did not return to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits for good cause when he leaves because of a substantial change in his employment. Since the employer hired the claimant to work Monday through Friday, changing the days he worked in late March without talking to the claimant or explaining why this was being done amounts to a substantial change in his employment. The claimant established good cause for quitting. As of April 25, 2010, when he reopened his claim, the claimant is qualified to receive benefits.

DECISION:

The representatives' May 21, 2010 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits. As of April 25, 2010, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css