

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAWNA K STEVENS
Claimant

APPEAL NO. 07A-UI-03307-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**MICHAEL LILLY PRIVATE HOME
SERVICES INC**
Employer

**OC: 03/04/07 R: 01
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 27, 2007, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 17, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Starr Banwell participated in the hearing on behalf of the employer with a witness, Michael Wertz. Exhibits One through Four were admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time as an in-home care provider from January 29, 2005, to March 8, 2007. The claimant submitted her two-week notice on March 7, 2007, because she considered the hours of work to be excessive, she was having a problem with a cyst on her wrist, and she was dissatisfied with dealing with the administrator, Michael Wertz.

The claimant had not told the employer that she wanted to be scheduled to work fewer hours. She had not seen a doctor regarding the problems with her wrist or provided a doctor's note to the employer restricting the claimant to fewer hours. The claimant did not feel comfortable working with Wertz because when she was in charge of doing some of the scheduling of employees she received conflicting instructions from Wertz and the general manager, Starr Banwell.

After the claimant put in her two-week notice, she was working a shift from 6:00 p.m. to 8:00 a.m. The caregiver who was supposed to come in at 8:00 a.m. to relieve the claimant did not show up. Wertz was unsure where the caregiver was and told the claimant that she would have to stay until she was relieved. The caregiver showed up an hour late at 9:00 a.m. The claimant was scheduled to return to work at 6:00 p.m. at that same location. Wertz later asked

the claimant if she could come in at 5:30 p.m. because it was more convenient for the caregiver who had arrived an hour late for work. The claimant told him no.

The claimant was very upset at being required to work an hour later and then be asked to report to work a half hour earlier. Consequently, she sent an email to the employer explaining what had happened and informing the employer that until the favorable treatment toward other employees stopped, the employer would need to fill the rest of her shifts. The employer sent an email back indicating that the rest of her shifts were filled, which ended the claimant's employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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.

There are two periods of time to consider here. First, the claimant submitted her two weeks notice that would have ended on March 19, 2007. The evidence fails to show good cause attributable to the employer for putting in her two-week notice. She quit due to working too many hours. The claimant, however, was never guaranteed a particular shift or number of hours. She had not informed the employer that she wanted only to work a particular number of hours or was medically restricted to working a particular number of hours per week.

The second period of time to consider is from March 8 to 19, 2007. I understand the claimant's frustration at being asked to come in early on the same day she was required to stay late. Wertz, however, had asked the claimant to come in early, and the claimant had the option of saying no, which she did. I do not believe the claimant has shown that Wertz's request that she report to work early created good cause to resign effective March 8, 2007.

DECISION:

The unemployment insurance decision dated March 27, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs