

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GRIFFIN S HASLER**  
Claimant

**APPEAL NO. 14A-UI-10534-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HALL PL VENTURES CORP**  
Employer

**OC: 08/24/14  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated September 29, 2014, reference 02, which denied unemployment insurance benefits finding that the claimant voluntarily quit work on August 10, 2014 because he was no longer willing to work the hours the job required. After due notice was provided, a telephone hearing was held on November 3, 2014. Claimant participated. The employer participated by Mr. James Rinella, Company Owner.

**ISSUE:**

The issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Griffin Hasler was most recently employed by the captioned employer d/b/a Airliner Bar & Restaurant from September 2012 until August 11, 2014 when he voluntarily quit employment. Mr. Hasler was employed as a full-time kitchen manager and was paid by the hour. His immediate supervisor was Patrick Green, Chef and James Rinella, Company Owner.

On August 10, 2014, Mr. Hasler telephone the company owner and again emphasized the necessity that he be allowed to be absent from his scheduled work on the weekend of October 11, 2014 to attend the wedding of a cousin. In conjunction with saying that he had to have that weekend off, Mr. Hasler stated the willingness to go from a full-time kitchen manager's position to a part-time position paying less, but stating the probability that he would quit if his pay was reduced.

Because the subject of the claimant being allowed to be off the schedule for the weekend of October 11 had been addressed by the company owner with Mr. Hasler on a number of previous occasions, the company owner suggested the possibility that the claimant resign his

position as kitchen manager. The conversation on August 10, 2014 ended with the agreement that the company owner would contact Mr. Hasler back by telephone to discuss the matter further.

The next day, August 11, 2014, Mr. Rinella contacted the claimant by telephone requesting the claimant supply a list of the weekends that he would not be available in the foreseeable future, so that the employer could attempt to accommodate the claimant's request to be off work on football weekends. Mr. Hasler did not respond by providing the list as requested but instead considered himself to have been terminated based upon the employer's statements the previous day.

When Mr. Hasler had been re-hired by the company in September 2012, he was hired on a part-time basis but later accepted the position of a full-time kitchen manager and was aware that the company expected all kitchen managers to work on football weekends throughout the season because of the volume of the business on football weekends. Although Mr. Hasler had agreed at the time that he accepted his full-time position with the company to be available for weekend work, the claimant had not accepted weekend scheduling on two preceding weekends because he had made personal plans. It appears also that the claimant had made statements to other employees to the effect that he intended to quit his job if the employer was unwilling to allow him to be off work for the October 11th weekend.

#### **REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes the claimant left his employment with good cause attributable to the employer. It does not.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(27) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(27) The claimant left rather than perform the assigned work as instructed.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. See Iowa Code section 96.6(2). 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. See 871 IAC 24.25.

The first question before the administrative law judge is whether the evidence in the record establishes that the claimant quit employment or whether the claimant was discharged by the employer. The administrative law judge concludes based upon the evidence in the record that Mr. Hasler had the opportunity to continue in his employment with this company, but chose not to. When the claimant telephoned the employer on August 10, 2014, the employer at first suggested the possibility that the claimant resign because the claimant was unwilling to fulfill the agreement that he had made with the employer at the time that he had accepted full-time employment to work every college football weekend. At the end of the conversation the parties agreed that the matter would be further considered in a subsequent telephone call. The next day the employer contacted Mr. Hasler and offered the claimant the accommodation of listing the weekends in the future that he would not be available on college football weekends, for the employer to consider. Mr. Hasler chose not to respond leaving the employer to the reasonable conclusion that the claimant had chosen to leave his employment with the company.

The next question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not. The evidence is uncontroverted that at the time that Mr. Hasler accepted his full-time management position with the company he clearly understood and agreed to work all college football weekends as a condition of employment. The claimant's failure to honor that agreement was not attributable to the employer but instead attributable to Mr. Hasler's personal decision not to work football weekends as agreed.

The administrative law judge concludes that the claimant left employment while work continued to be available to him for personal reasons that were not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

**DECISION:**

The representative's decision dated September 29, 2014, reference 02, is affirmed. Claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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