

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAMELA KNAPP**  
Claimant

**APPEAL NO. 09A-UI-06970-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KUM & GO LC**  
Employer

**Original Claim: 04/12/09  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Pamela Knapp (claimant) appealed an unemployment insurance decision dated April 30, 2009, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Kum & Go, LC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 2, 2009. The claimant participated in the hearing. The employer participated through Pamela Fullerton, General Manager. 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:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time sales associate/manager from October 30, 2006 through April 6, 2009. She was hired for second shift but was transferred to first shift on April 28, 2008, due to the employer's business needs. The employer told the claimant on March 24, 2009 that she was being switched back to second shift on April 6, 2009. The claimant was upset and told the employer she did not want to work on second shift and considered it a demotion and a "slap in the face". She told the employer she was quitting and would put it in writing; but when she reported to work on March 30, 2009, she told the employer her printer did not work. She did not work after that date, as she called in due to illness. The claimant asked for her vacation and the general manager told her that needed to be worked out with the corporate office. The claimant was not scheduled after April 6, 2009, due to her telling the general manager she quit. The employer had no reason to discharge the claimant and she would still be working if not for her objections to working second shift.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by telling the employer she did not want to work on second shift. The refusal to accept reasonable changes in job duties constitutes job misconduct, since the employer has the right to allocate personnel in accordance with its needs and resources. Brandi v. IDJS, (Unpublished, Iowa App. 1986). The claimant started on second shift, was switched to first shift and should have had no problem returning to second shift.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated April 30, 2009, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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