

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTIE RUFFCORN**  
Claimant

**APPEAL NO: 07A-UI-00054-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ELMWOOD CARE CENTER**  
Employer

**OC: 11/26/06 R: 01  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Kristie Ruffcorn (claimant) appealed an unemployment insurance decision dated December 21, 2006, reference 02, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Elmwood Care Center (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 January 22, 2007. The claimant participated in the hearing. The employer participated through Rachel Martian, Director of Nursing. 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 was with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time certified nurse's aide from September 28, 2005 through June 8, 2006 when she voluntarily quit. She was advised at the time of hire that she had to work weekends and she reportedly told the employer she was available to work the first and third weekends of the month. However, she was only working every other Saturday but no Sundays. The director of nursing did not feel it was fair for the claimant to only work every other Saturday, so in February or March 2006 she scheduled the claimant on both days every other weekend. The claimant worked this schedule until she quit in June 2006 because she said the schedule was not working out for her. She contends the employer was scheduling her on the wrong weekends and would not change the schedule back to the weekends she could work. However, the claimant effectively refused to work on Sundays by only indicating to the employer that she could work on particular Saturdays.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1.

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 providing the employer with her resignation effective June 9, 2006. She claims she quit because of a change in the contract of hire. However, the contract was only changed by the claimant and not the employer. The claimant was advised at the time of hire she had to work weekends but was only willing to work on every other Saturday.

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

**DECISION:**

The unemployment insurance decision dated December 21, 2006, reference 02, 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

sda/pjs