

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTHANN HUGHES
Claimant

APPEAL NO. 07A-UI-07564-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MOSAIC
Employer

**OC: 07/15/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ruthann Hughes (claimant) appealed an unemployment insurance decision dated August 3, 2007, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Mosaic (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 August 22, 2007. The claimant participated in the hearing. The employer participated through Rhonda Wilcox, Sherry Morris, Theresa Busick, Tammy Harrah and employer representative Lynn Corbeil. 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 direct support associate for disabled individuals from November 15, 2005 through April 21, 2007. She worked in the clients' homes and the employer moved its employees around according to its needs. The claimant could have been assigned to the clients in any one of seven different apartments. She voluntarily quit her employment because her assignment location was being changed on April 22, 2007 from Gustin B1 to Gustin B3. She planned to work both weekend days at Gustin B1 even though she had been directed to work out a change in her schedule with a co-worker in which they split the time at Gustin B3 that weekend. She could have worked six hours each day at both Gustin B3 and Gustin B1 or could have worked a 12-hour day at each location. The claimant made no arrangements to work at Gustin B3 and worked at Gustin B1 on April 21, 2007. Her co-worker told her that she would be at B1 on the next day and when the employer confirmed that information, the claimant became upset. She said she did not feel she was adequately trained to work with the clients in Gustin B3 even though she had been assigned to work with them two hours at the end of her shifts on April 17, 18 and 20. The claimant was

mostly upset because she felt like she was only being told to work at Gustin B3 because another employee refused to work there both weekend days. It was actually the employer's decision to alternate the care givers in Gustin B3 due to the needs of the clients.

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 § 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 telling the employer on April 21, 2007 that she voluntarily quit. She quit because her work assignment was changed for her on April 22, 2007, when she refused to change it herself as directed.

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 August 3, 2007, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw