

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**CHRISTINA BLANKS  
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**INTERSTATE BRANDS CORP  
c/o FRICK UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283**

**Appeal Number: 06A-UI-03945-ET  
OC: 02-26-06 R: 04  
Claimant: Respondent (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the March 29, 2006, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 27, 2006. The claimant participated in the hearing with witness Genever Bragg. Fred Schoen, Human Resources Manager for Central Illinois, participated in the hearing on behalf of the employer. Employer's Exhibits One through Three were admitted into evidence.

#### FINDINGS OF FACT:

Having heard the testimony and examined the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time oven operator for Interstate Brands from October 13, 1996 to February 4, 2006. The claimant worked for Interstate Brands Wonder Bread plant in Davenport until it closed in October 2005. The employer's Peoria plant was looking for new employees and offered all employees at the Davenport location an interview and if they were hired they would receive 100 percent of the contract rate and retain their original hire date for vacation purposes. The claimant applied, was hired and consequently transferred and moved to Peoria. She worked 11:00 p.m. to 7:00 a.m. in Davenport and was hired for the second shift in Peoria but the second shift hours in Peoria varied greatly and the claimant was unable to find childcare for her children after her mother returned to Davenport. The claimant sent her children back to Davenport and then moved back herself in December 2005 and began to commute one and one-half hours each way. On December 28, 2005, the claimant verbally notified the employer she was resigning her position effective January 13, 2006 (Employer's Exhibits One and Two). Because she had vacation time left, the official date of her separation was February 4, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with 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.

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. 871 IAC 24.25. Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant worked second shift in Davenport and it was not unreasonable for her to believe second shift in Peoria would consist of roughly the same hours. The employer testified that second shift may start at 6:00 p.m. or 3:00 a.m. or anytime in between, which is more similar to on-call work rather than traditional shift work. The claimant accepted the transfer and moved to Peoria in good faith and brought her children with her but was unable to find child care for the hours she worked and, consequently, was forced to return to Davenport and try to commute three hours roundtrip each day. For the above-stated reasons the administrative law judge concludes the claimant voluntarily left her employment for good cause attributable to the employer because the hours she was scheduled after the transfer were detrimental to her. Therefore, benefits are allowed.

DECISION:

The March 29, 2006, reference 01, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

je/kkf