

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE M PILCHARD
Claimant

APPEAL 21A-UI-14918-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HEALTH SERVICES IOWA CORP
Employer

OC: 04/18/21
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the June 28, 2021 (reference 01) unemployment insurance decision that denied benefits based upon claimant's discharge from employment. The parties were properly notified of the hearing. A telephone hearing was held on August 26, 2021. The claimant, Michelle Pilchard, participated personally. The employer, Mercy Health Services – Iowa Corp, participated through Michael Baughman and witness, Heidi Willrett. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as an LPN beginning February 17, 2020. On October 25, 2020, claimant requested to change from full-time status to PRN status. Claimant requested this change due to her health conditions affecting her ability to work full-time. Claimant has been working PRN since October 25, 2020. Claimant continues to remain employed with employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

In this case claimant requested a change in her schedule from full-time to PRN. This is not a voluntary quit, but a change in her employment status that the claimant initiated and the employer agreed to make. Claimant remains employed with the employer.

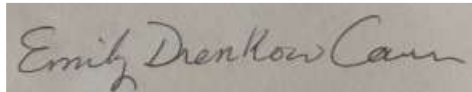
It is clear that claimant approached the employer and requested the change in her employment status on October 25, 2020. It is also clear that the claimant remains employed with employer.

Claimant requested the change from full-time status to PRN status due to her health condition. Claimant was not forced or pressured to change from full-time to PRN by her employer.

While claimant's change in her employment status may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The June 29, 2021, (reference 02) unemployment insurance decision is affirmed. Unemployment insurance benefits shall be withheld in regards to this employer until such time as claimant is deemed eligible.



Emily Drenkow Carr
Administrative Law Judge

August 31, 2021
Decision Dated and Mailed

ed/ol