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

PAMELA EVANS
Claimant

APPEAL NO: 07A-UI-09707-ET

ADMINISTRATIVE LAW JUDGE
DECISION

AMERICAN FAMILY THRIFT STORE
FOR THE BLIND INC
Employer

OC: 09-16-07 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 8, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 31, 2007. The claimant participated in the hearing with Brian Coan, Former Community Service Worker. Brenda Campbell, Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time cashier/warehouse worker for American Family Thrift Store for the Blind from July 20, 2006 to September 17, 2007. The claimant worked on the retail side of the business until September 1, 2007, when the employer moved her to the warehouse because several male customers were coming in and asking for her and the employer was concerned about her safety. The claimant did not object to going to the warehouse as there was to be no change in hours or pay. Once she began working in the warehouse, however, the employer noted that the claimant stood around for hours at a time and did not do the work assigned. Consequently, it cut her hours the week of September 9, 2007. The claimant decided to resign and confronted the employer in the parking lot September 17, 2007, and returned her keys. The employer had continuing work available for her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without 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 unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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 originally asked that her hours be cut so she could pick her son up from school and the employer agreed in part because she had been a good employee but also because she was displaying a poor attitude in the warehouse and would not perform the required tasks. The claimant's hours were cut to five during the week of September 9, 2007, because she was standing around and not working but the employer did not anticipate that to be a permanent situation, rather it expected her hours would be increased to her regular time within a short period. While there was a change in the claimant's hours, the change was due to her actions and was not done arbitrarily by the employer. Under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The October 8, 2007, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

_____
Julie Elder
Administrative Law Judge

_____
Decision Dated and Mailed

je/pjs