

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARC L BRAUHN
Claimant

APPEAL NO. 07A-UI-00988-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTHERN IOWA DIE CASTING INC
Employer

**OC: 12/24/06 R: 01
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Marc Brauhn filed an appeal from a representative's decision dated January 24, 2007, reference 01, which denied benefits based on his separation from Northern Iowa Die Casting, Inc. After due notice was issued, a hearing was held by telephone on February 13, 2007. Mr. Brauhn participated personally. The employer participated by Loretta Schweitzer, Human Resources Generalist.

ISSUE:

At issue in this matter is whether Mr. Brauhn was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Brauhn began working for Northern Iowa Die Casting, Inc. on May 16, 2006. He wanted a part-time job but the employer did not have part-time work available. In order to accommodate his need to have his days free, the employer placed him on an evening shift working full-time. Mr. Brauhn told the employer at the time of hire that he had plans to attend school in the fall of 2006.

Mr. Brauhn's last day of work was May 24. He called the employer on May 31 and requested part-time work and said he no longer wanted to work nights. The only other work the employer had available was working full-time on the day shift. Mr. Brauhn could not work full-time days because he assists his father with work on his home and also performs work for his grandmother. Because he no longer wanted to work the hours for which he had been hired, Mr. Brauhn became separated from the employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Mr. Brauhn initiated his separation from employment. Although he was seeking part-time work, he knew the employer did not have part-time work available at the time he was hired. He accepted the employment with full

knowledge that it was full-time. The employer did know he had plans to attend school in the fall. However, the employer did not promise to provide Mr. Brauhn with part-time work once he started school. Furthermore, he notified the employer in May, long before school started, that he no longer wanted to work nights. He then declined the only available work, which was full-time on days. The employer's statement to him to the effect that they could not use him was made only after Mr. Brauhn indicated he could no longer work nights and could not work full-time on days. The employer's statement did not constitute a discharge from employment, only an indication that the only work available was full-time, working either days or nights.

Because Mr. Brauhn initiated his own separation, it is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Brauhn quit because he no longer wanted to work the number of hours and shift for which he was hired. He had personal matters to attend to with his father and grandmother that prevented him from continuing his job. His separation was not for any cause attributable to either the employer or the employment. Accordingly, benefits are denied.

DECISION:

The representative's decision dated January 24, 2007, reference 01, is hereby affirmed. Mr. Brauhn voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css