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

PEGGY FINZEN
Claimant

APPEAL NO: 12A-UI-07110-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

SAC & FOX TRIBE
Employer

OC: 05-20-12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 7, 2012, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 10, 2012. The claimant participated in the hearing with Liz Olsen, Current Sales Associate for the employer. Lucie Roberts, Human Resources Director and Renetta Plander, Food and Beverage Supervisor, 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 full-time banquet server for Meskwaki Bingo Casino & Hotel from January 17, 1993 to May 19, 2012. The claimant secured another job with The Travel Store in Waterloo to start in August 2012 and submitted a three-week notice to the employer April 26, 2012. She was not receiving full-time hours as a banquet server because it was a slow period of the year and asked for additional hours before she gave her resignation but was told there were no more hours available. When the claimant submitted her resignation she discussed the possibility of working part-time or on-call with the general manager and the claimant indicated she could only work on-call once she began her new job and she decided to hold her resignation notice. The general manager appeared interested in the possibility of the claimant working on-call but the next day stated he was accepting the claimant's resignation notice. She was allowed to finish her notice period.

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 submitted a three week resignation notice because she was not receiving enough hours and she had a new full-time position lined up to start in August 2012. The claimant could have continued in her employment until she left for her new job and if she was not getting enough hours could have applied for partial unemployment insurance benefits. The claimant gave the employer her resignation and it accepted it. The employer was not under any obligation to allow the claimant to work part-time or on-call. The claimant initiated the separation and has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The June 7, 2012, 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/css