

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERRY RHODES

Claimant

APPEAL NO. 08A-UI-07932-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACCURATE OFFICE INSTALLATION INC

Employer

**OC: 07/06/08 R: 02
Claimant: Respondent (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Accurate Office Installation, Inc. (employer) appealed an unemployment insurance decision dated August 27, 2008, reference 01, which held that Jerry Rhodes (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 17, 2008. The claimant participated in the hearing. The employer participated through owner, Jeff Pitts. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time installer from January 2006 through April 28, 2008 when he voluntarily quit. He quit because he was not getting enough hours to support his three kids. The claimant reported that he would be off work for two weeks sometimes between jobs. He told the employer why he had to quit and the employer stated that he understood.

In the hearing, the employer contends there was plenty of work but the claimant chose not to work. The claimant left work at noon on March 6, 12, 13 and 21, 2008. He called in sick on March 14 and April 18. The claimant gave notice to quit on April 22, 2008 and his last day of work was April 28, 2008. The employer provided the claimant's work hours for the last two months. He worked 70 hours for the two-week pay period ending March 19 and 29.5 hours for the pay period ending April 2. The claimant worked 16 hours for pay period ending April 16 and 55 hours for the final pay period ending April 30, 2008. The employer testified that other employees had full-time hours but admitted that employees worked on different jobs. The employer claimed there was always warehouse work available but the claimant contends he worked any hours that were offered to him.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit his job because he was not getting enough hours to support his family. While the employer disagrees with this claim, the payroll records confirm it. Furthermore, the claimant told the employer why he was quitting and the employer did not suggest that the claimant could get more hours but just accepted it. "Good cause" need not be based on fault or wrongdoing on the part of the employer, but may be attributable to the employment itself. Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has satisfied that burden and benefits are allowed.

DECISION:

The unemployment insurance decision dated August 27, 2008, reference 01, is affirmed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css