

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JENNIFER L DAMEWOOD  
5416 APPOMATTOX RD APT # 5  
DAVENPORT IA 52806

APAC CUSTOMER SERVICES INC  
c/o TALX – UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-04512-SWT  
OC: 04/03/05 R: 04  
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 22, 2005, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 23, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Turkessa Hill participated in the hearing on behalf of the employer with a witness, Katie Vance.

FINDINGS OF FACT:

The claimant worked full time for the employer as customer service representative from November 12, 2001 to March 4, 2005. The claimant's work hours were from 8:00 a.m. to 4:30 p.m. on weekdays.

In February 2005, the employer initiated a floor-wide shift bid process. Under this process, employees by seniority were given the opportunity to pick the shift that they desired. The claimant had decided to attend college starting March 15, 2005. Her classes were from 9:00 a.m. to 4:30 p.m. Tuesday through Friday and on Saturday from 8:00 a.m. to 1:30 p.m. The claimant could have chosen to work the 8:00 a.m. to 4:30 p.m. shift on weekdays as she had worked previously, but the schedule did not fit her school schedule. The claimant picked a 9:30 a.m. to 8:00 p.m. shift for Tuesday through Saturday, and then requested to work from 5:00 to 8:00 p.m. on weekdays and from 2:00 p.m. to 8:00 p.m. on Saturdays to accommodate her school schedule.

The employer did not approve the schedule that the claimant proposed and offered her work from 5:00 to 11:00 p.m. on weekdays as the only other option. That option did not work with the claimant's childcare needs. The claimant then signed a document stating that she was resigning from her job. She voluntarily quit her employment because the employer would not accommodate her school schedule. The employer never promised the claimant hours that would accommodate her school schedule.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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.

The claimant voluntarily quit employment because the employer would not provide her with a work schedule that accommodated her class schedule. The employer never promised the claimant that it would provide a schedule that accommodated her school schedule. The claimant could have chosen to work the same hours that she had always worked. The employer did not breach any employment agreement or require the claimant to change her hours from her previous work schedule. The claimant's desire to improve herself by attending college is commendable, but the evidence fails to establish that she had good cause attributable to the employer to quit her job.

#### DECISION:

The unemployment insurance decision dated April 22, 2005, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/sc