

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>LISA M HUTTON Claimant</p> <p>SLB OF IOWA LC Employer</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p>APPEAL NO. 12A-UI-05513-NT</p> <p>ADMINISTRATIVE LAW JUDGE DECISION</p> <p>OC: 04/22/12 Claimant: Respondent (1)</p>
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Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

SLB of Iowa LC filed a timely appeal from a representative's decision dated May 9, 2012, reference 02, which held claimant eligible to receive unemployment insurance benefits. After due notice was provided, a telephone hearing was held on June 5, 2012. The claimant participated. The employer participated by Mr. Tom Reavis, Human Resource Representative.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Lisa Hutton was employed by the captioned company, doing business as Panera Bread of Iowa, from May 15, 2011 until April 19, 2012 when she voluntarily left employment. Ms. Hutton was hired to work as a full-time baker and was paid by the hour. Her immediate supervisor was Pat Scott.

Ms. Hutton left her employment after providing two-week' advance notice to the employer of her intention to leave. The claimant had been hired to work on a full-time basis, however, due to business conditions Ms. Hutton's hours had been reduced repeatedly by her manager, Lee Kenny, to a level below the 32 hours per week that is considered full time by the employer. Mr. Kenny instructed the claimant to leave work at 2:00 a.m. instead of working until 4:00 or 6:00 a.m. as she had in the past. Other management individuals, at the direction of Mr. Kenny, also instructed Ms. Hutton to leave work at approximately 2:00 a.m. reducing the claimant's working hours on a number of occasions to 23 to 25 hours per week.

Ms. Hutton repeatedly requested more hours from her supervisor, the store manager and management above the managerial level, however, the claimant's requests to have her hours increased to at least 32 hours per week did not take place. The company was training a new baker at the time and assigned Ms. Hutton other duties that took less time to complete. When the claimant's repeated requests for more hours were not granted and the reduced hours began to financially impact Ms. Hutton she left employment with the company.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does.

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.

An individual who voluntarily leaves their employment must first give notice to the employer of their reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

Inasmuch as the evidence in the record establishes that the claimant's manager repeatedly reduced Ms. Hutton's working hours below the 32 hours per week full-time status that the claimant was hired for and that the claimant repeatedly gave notice to the employer that she needed to have her hours increased, the administrative law judge concludes that the claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated May 9, 2012, reference 02, is affirmed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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