

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY L MACE
Claimant

APPEAL NO. 11A-UI-08369-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RATH INC
Employer

OC: 05/15/11
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Tracy Mace filed an appeal from a representative's decision dated June 14, 2011, reference 01, which denied benefits based on her separation from Rath, Inc. After due notice was issued, a hearing was held by telephone on July 19, 2011. Ms. Mace participated personally. The employer participated by Denise Nolan, general manager.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Mace was employed by Rath, Inc., doing business as Days Inn Motel, from August 22, 2008 until May 10, 2011. She worked part-time in housekeeping. She told the employer she was quitting because she was not making enough money. She was being paid the hourly wage agreed upon by the parties.

Ms. Mace had been working four to five days each week for three to five hours each day. As of approximately May 1, 2011, she was only scheduled for three days each week. The May work schedule had been prepared by the former manager, who was no longer there as of May 1, 2011. Ms. Mace never questioned why her workweek had been reduced. She never told the employer she intended to quit if her hours were not restored. She had not complained about any work-related matters before quitting. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Mace quit because she was reduced from working four or five days a week down to working only three days each week. She did not raise the issue with the employer

before quitting. Therefore, she deprived the employer of the opportunity to restore the lost hours and, thereby, preserve the employment relationship.

Because the employer was not given a fair opportunity to correct the problem that caused Ms. Mace to quit, it is concluded that her separation was not for good cause attributable to the employer. As such, benefits are denied.

DECISION:

The representative's decision dated June 14, 2011, reference 01, is hereby affirmed. Ms. Mace voluntarily quit her employment with Rath, Inc. without good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw