

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANTONIO ORTEGA
Claimant

APPEAL NO. 17A-UI-00404-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CORE STRUCTURAL SERVICES LLC
Employer

OC: 12/18/16
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 12, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 2, 2017. Claimant participated. Employer participated by Mike Ogle.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 12, 2016. Claimant had previously worked for employer in 2014 and was rehired on May 12, 2016. Claimant worked that day, and found out that the work he was tasked with doing the next day was not a full day's worth of work. Claimant stated that he had experienced not working full days for employer previously, and did not wish to do it again. Claimant got angry and quit.

Claimant stated that he always gets hired for part-time work and knows that when he begins work. Employer stated claimant was hired as a full-time employee, but there are times when there is not a full day's worth of work and employees may be sent home early. Employer further stated that there was ongoing work available, and employer immediately hired another union member after claimant left.

Claimant subsequently picked up employment as an independent contractor for Absolute Property Services.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he did not get the hours desired on his second day of work for employer.

DECISION:

The decision of the representative dated January 12, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs