

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NHI THONGVAN
Claimant

APPEAL NO: 11A-UI-05960-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION
Employer

OC: 01/23/11
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Nhi Thongvan (claimant) appealed an unemployment insurance decision dated April 26, 2011, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Pella Corporation (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 1, 2011. The claimant participated in the hearing. Steve Baccam interpreted on behalf of the claimant. The employer participated through Human Resource Representatives Rebecca Lovett and Eric Johnson. 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 having considered all of the evidence in the record, finds that: The claimant was employed as a full-time assembler from April 13, 1998 through March 22, 2011, when he voluntarily quit. He told the employer at the time that he was dissatisfied with the commute and the gas for the commute. The claimant lives in Pleasant Hill, Iowa, and he worked in Pella, Iowa.

The claimant now contends he quit because he was not getting enough hours. While he was full-time, the employer does not guarantee a certain number of hours. Its hours vary from day to day and month to month. The claimant has worked the same hours since he was hired and there have been no recent changes.

REASONING AND CONCLUSIONS OF LAW:

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

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 claimant quit his employment due to the lack of hours and/or the commute. There have been no changes in his employment, so the only difference must be the change in his personal feelings. 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 not satisfied that burden and benefits are therefore denied.

DECISION:

The unemployment insurance decision dated April 26, 2011, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw