

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA J RINES
Claimant

APPEAL NO. 08A-UI-11126-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXCEPTIONAL OPPORTUNITIES INC
Employer

**OC: 10/12/08 R: 02
Claimant: Appellant (2)**

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

Patricia J. Rines (claimant) appealed a representative's November 19, 2008 decision (reference 02) that concluded she was not qualified to receive benefits, and the account of Exceptional Opportunities, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 11, 2008. The claimant participated in the hearing. Ann Gales, Attorney at Law, appeared on the employer's behalf. Erin Tilges testified on the employer's behalf. Cathy Gatton was available to testify. During the hearing, Employer Exhibits One, Two, Three and Four were offered and admitted as evidence. 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:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in June 2007. Tilges hired the claimant as a part-time employee to work as a consumer instructor. (Employer Exhibit Four.) At the time of hire, the employer explained there was a possibility the claimant could become a full-time employee.

During her employment, the claimant wanted and worked more hours. The claimant and her husband experienced financial issues when he was unable to work. As a result of her financial situation, the claimant worked as many hours as she could. The claimant assumed the employer knew and understood she wanted to become a full-time employee when she made requests for more hours.

In August 2008, the employer was working on having the claimant work at another job site. In early August when a long-time employee's employment ended, the claimant assumed the

employer would schedule her these additional hours and promote her to a full-time employee. When the employer did not schedule the claimant for more hours, but instead gave more hours to other part-time employees, the claimant started looking for another job because she did not believe the employer treated her fairly. The claimant did not tell the employer she was interested in taking over the available hours.

On August 19, 2008, the claimant met with Thilges for a scheduled evaluation. (Employer Exhibit Three.) At the end of her evaluation, the claimant informed Thilges she was quitting effective immediately. Even though the claimant had already accepted another job that started September 3, the claimant told the employer she was quitting because the employer did not schedule hours fairly. The claimant started her new job on September 3, 2008.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. If claimant quits because she has accepted other employment, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5-1-a.

The claimant told the employer she was quitting because the employer did schedule employees fairly. This reason would not qualify her to receive benefits. Why, because she accepted a part-time job. If the claimant wanted the full-time hours that became available when another employee's hours became available, she should have talked to the employer. Assuming the employer would just schedule her for more hours was not realistic if she does not talk to Thilges or anyone who schedules hours.

Since the claimant quit after she accepted other employment, she is qualified to receive benefits as of October 12, 2008. The employer's account will not be charged.

DECISION:

The representative's November 19, 2008 decision (reference 02) is reversed. The claimant voluntarily quit her employment for reasons that qualify her to receive benefits because she quit after she had accepted other employment. As of October 12, 2008, the claimant is qualified to receive benefits, provided she meets all other eligibility requirement. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css