

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY PHELAN
Claimant

APPEAL NO. 07A-UI-03870-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MICHAEL T CURRY
Employer

OC: 03/18/07 R: 03
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Timothy Phelan, filed an appeal from a decision dated April 9, 2007, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 30, 2007. The claimant participated on his own behalf. The employer, Michael T. Curry, participated by Owner Mike Curry, Line Cook Pat Phelan, and Chef Todd Schneekloth .

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Timothy Phelan was employed by Michael T. Curry from July 2006 until March 1, 2007, as a full-time line cook. On March 16, 2007, he told his supervisor, Chef Todd Schneekloth, that his last day would be March 17, 2007. He only stated he had to “look after himself,” and gave no other reason for his decision to resign, although it was known he did not like the bar manager, Mike Timm.

On March 17, 2007, he was scheduled to work 2:00 p.m. until 10:00 p.m., but did not arrive until 4:00 p.m. He immediately asked Chef Schneekloth if he could leave at 7:00 p.m. because he had to help his sons and wife with their homework. The chef said he would talk with Owner Mike Curry and Mr. Curry said since it was the claimant’s last day of work anyway, and he was not willing to work his entire shift on a busy night, he could leave right away. The information was conveyed to the claimant and he left shortly after arriving.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant was not fired on March 17, 2007, merely allowed to leave before the end of the shift since he was not willing to work his entire schedule in any event. He did not give any reason for his decision to resign other than that he did not like the bar manager, and had to "look after himself." The record establishes the claimant did not have good cause attributable to the employer for quitting and he is disqualified.

DECISION:

The representative's decision of April 9, 2007, reference 02, is affirmed. Timothy Phelan is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css