

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**SHARYL A HOHNECKER  
400 ROSEMERE LANE  
MAQUOKETA IA 52060**

**MAQUOKETA FAMILY CLINIC PC  
206 N ARCADE ST  
MAQUOKETA IA 52060**

**Appeal Number: 04A-UI-03546-HT  
OC: 02/29/04 R: 04  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The claimant, Sharyl Hohnecker, filed an appeal from a decision dated March 25, 2004, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 21, 2004. The claimant participated on her own behalf. The employer, Maquoketa Family Clinic PC (MFC), participated by Personnel Director Diana Gruenwald and Office Manager Linda Andersen.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Sharyl Hohnecker was employed by MFC from December 1, 1990 until February 27, 2004 as a full-time receptionist.

The claimant was on a medical leave from July 9 until December 1, 2003, for non-work-related knee surgery. Her doctor released her to return to work without restrictions and her job duties had not changed. In February 2004 Ms. Hohnecker asked to go part time because her knee was bothering her. Her doctor had not recommended the reduction in hours and the employer had to investigate whether the reduction would be feasible. Personnel Manager Diana Gruenwald and Office Manager Linda Andersen notified the claimant on February 17, 2004, that there were no part-time positions available, and the claimant submitted her resignation effective February 27, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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.

871 IAC 24.25(27) provides:

(27) The claimant left rather than perform the assigned work as instructed.

The claimant had been hired, and worked throughout the course of her employment, on a full-time basis. When she was released to return to work by her physician, there were no restrictions as to the work she could do or the number of hours she could work. The doctor did not modify this release at any time and the claimant's request to go part time was on her own initiative. She was unable or unwilling to work the hours for which she had been hired and elected to resign. This is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of March 25, 2004, reference 01, is affirmed. Sharyl Hohnecker is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/b