

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHY R LILLY
Claimant

APPEAL NO. 10A-UI-00865-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMF BOWLING CENTERS INC
Employer

**Original Claim: 04/26/09
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 10, 2010, reference 04, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on February 25, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Marie Kading participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a front desk clerk from April 30, 2008, to October 17, 2009. When the claimant was hired, the general manager informed her that she would be working 30-35 hours per week.

The claimant voluntarily quit employment effective October 17, 2009, because the employer never could consistently schedule her to work 30-35 hours per week and she was often only scheduled for 11-13 hours per week, despite repeated complaints to management about her reduced hours. At one point in 2009, the general manager hired another clerk and gave the clerk the 30-35 hours that had been promised the claimant. She had notified the manager that she was quitting at one point due to her hours, but rescinded her resignation after being told that she would receive more hours.

She also quit because the mechanic yelled at her and told her to watch her back. She was convinced that nothing had been done to resolve the situation, but the mechanic was in fact warned about his conduct. She was also dissatisfied that the general manager was requiring employees to certify their cash drawers were correct, even though other employees were allowed access to the cash drawer. The last straw was an incident involving a league bowler who directed harsh profanity at her and grabbed her by the arm. She had complained about this bowler before. The bowler also was warned about his conduct toward the claimant.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

871 IAC 24.26(1) states that a substantial change in the contract of hire provides good cause to quit employment attributable to the employer. I conclude the claimant was told she would be scheduled 30-35 hours per week, she complained when she not receiving the hours she had been told she would receive, and when she quit the situation still had not been corrected. This was a breach of the contract of hire. I cannot conclude the remaining conduct meets the standard of intolerable working conditions under the law. She still had good cause based on the continuing problems with her scheduled work hours.

DECISION:

The unemployment insurance decision dated January 10, 2010, reference 04, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw