

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

NANCY R WEBB

Claimant

APPEAL NO. 22A-UI-17205-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WOODBURY COUNTY COURTHOUSE

PERSONNEL

Employer

OC: 08/07/22

Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 7, 2022, (reference 01) which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 13, 2022. Claimant participated. Employer participated by Melissa Thomas and Kevin Grieme. Claimant's exhibits A-D were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on August 4, 2022. Claimant voluntarily quit on that date as employer was not willing to allow claimant to change her hours of full time work such that claimant could complete practicum necessary for her to get a master's degree.

Claimant worked as a full time family support specialist for employer. Claimant had direct contact with families to support family development. Employer offered to claimant and other employees the opportunity to further their education. Claimant proceeded forth in taking classes towards getting a master's degree. Claimant set her own schedule for her masters classes. At the end of her masters classes, she needed to complete a practicum in order to get a masters in social work with a school social work endorsement.

Claimant stated that the only way for her to get the practicum hours in was to do the practicum during the day and during the week. Claimant asked employer that she be able to adjust her schedule from the 8:00am to 4:30pm hours that workers in her position worked (with occasional extensions up to 6:00pm as needed) to working evenings and weekends so that she could do her practicum hours during the work week. Claimant estimated that she would need to do approximately half of her hours outside of the normal work hours to allow for the practicum to take place.

Claimant wrote an email to her manager explaining that she was requesting to alter her schedule to allow for the practicum during the work day. She offered multiple alternatives to allow for this to happen. None of them were within the normal work schedule. Employer declined to allow any of the offers made by claimant as employer stated that there were many times that employer stated claimant needed to be available during regular work hours for meetings and other activities.

Claimant decided to terminate her employment as employer was not willing to adjust her schedule such that claimant could finish her master's degree in social work during her normal work hours.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer was not willing to adjust claimant's work hours such that claimant could do her necessary practicum for her social work master's degree during work hours.

Employer is under no obligation to adjust its hours to fit into claimant's graduate work and claimant has not shown to the satisfaction of the administrative law judge that the only way she could get in practicum hours was to do them during the day. If claimant had presented proof that this was the only alternative, then there may have been a different argument before the administrative law judge – that the employer encouraged and paid for the classes claimant was taking, but denied the same classes as they were only offered at times that employer would not allow them. Claimant did not make that showing.

Benefits are denied.

DECISION:

The decision of the representative dated September 7, 2022, (reference 02) is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair Bennett| Administrative Law Judge II
Iowa Department of Inspections & Appeals

October 17, 2022
Decision Dated and Mailed

bab/mh

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

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. *There is no filing fee to file an appeal with the Employment Appeal Board.*

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may file a petition for judicial review in district court.

2. If you do not file an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at www.iowacourts.gov/efile. *There may be a filing fee to file the petition in District Court.*

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal. *No hay tarifa de presentación para presentar una apelación ante la Junta de Apelación de Empleo.*

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si no presenta una apelación de la decisión del juez ante la Junta de Apelación de Empleo dentro de los quince (15) días, la decisión se convierte en una acción final de la agencia y tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días. Puede encontrar información adicional sobre cómo presentar una petición en www.iowacourts.gov/efile. *Puede haber una tarifa de presentación para presentar la petición en el Tribunal de Distrito.*

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.