

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALEXANDER M SQUIRE

Claimant

APPEAL 19A-UI-08997-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC

Employer

OC: 10/06/19

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On November 15, 2019, the claimant filed an appeal from the November 7, 2019, (reference 04) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on December 10, 2019. Claimant participated. Employer participated through personnel supervisor Kayla Jones. Employer's Exhibits 1 through 4 were received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer is a staffing agency. Employer has a policy requiring employees to seek reassignment within three working days after an assignment ends. Claimant signed a copy of the policy on February 14, 2019.

Claimant was last assigned to work at the Hy-Vee Fulfillment Center as a full-time laborer. The assignment began on September 2, 2019. Claimant's last day of work on the assignment was October 3, 2019. Claimant worked the night shift.

On October 4, 2019, claimant called personnel supervisor Kayla Jones and asked her if he could switch to the day shift. Claimant explained the night shift was not working for him because he is responsible for several children. Jones stated she did not know if he would be able to switch shifts, but she could look into it. In the meantime, Jones asked claimant to continue appearing for his assigned shift. Claimant asked Jones if he would be eligible for reassignment if he resigned. Jones stated that claimant would only be eligible for reassignment if he gave a 48-hour notice of resignation. Claimant told Jones that he would call employer before his scheduled shift that evening to let them know whether he would be attending.

That evening, before the shift was scheduled to begin, claimant called employer's main telephone number and left a message stating he was resigning from the assignment with the Hy-Vee Fulfillment Center effective immediately.

Claimant did not seek reassignment because he did not believe he was eligible.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(18) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(18) The claimant left because of a dislike of the shift worked.

Iowa Admin. Code r. 871-24.25(17) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(17) The claimant left because of lack of child care.

In this case, continued work was available for claimant. However, claimant resigned because the third shift was not conducive to his child care obligations. While claimant may have resigned for good personal reasons, he did not establish that he resigned for a good cause reason attributable to employer.

DECISION:

The November 7, 2019, (reference 04) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Christine A. Louis
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December 12, 2019
Decision Dated and Mailed

cal/scn