

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

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Appeal Number: 04A-UI-00392-H2T  
OC 01-09-03 R 01  
Claimant: Respondent (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, 4th 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 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 8, 2004, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on February 4, 2004. The claimant did participate and was represented by Matthew Gardner, Attorney at Law. The employer did participate through Melissa La Foy, Typesetting Supervisor. Employer's Exhibit One was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as an out-of-house typesetter part time beginning October 27, 1994 through January 13, 2004 when she voluntarily resigned. Prior to her resignation the employer had become unhappy with the amount of time off the claimant had requested, although the employer had not spoken to the claimant about its dissatisfaction with her time off requests. All

of the time off that the claimant took was without pay as she was a part-time employee and not allowed to take vacation. On November 16, 2003 the claimant asked for November 27, 28 and December 1, 2003 off from work. On December 2, 2003 the claimant contacted her supervisor and told her that she needed an extension of time to complete the work she had been assigned. Ms. La Foy became upset with the claimant and told her to bring in the work that she had at home. The claimant called and asked for additional work on December 4, 2003, but Ms. La Foy did not allow any additional work to be assigned to the claimant. Again on December 8, 2003 the claimant called for additional work and was told that no more work would be given to her. Janice McAfee told the claimant that no more work would be assigned to her and that she should wait to hear from the company.

At the fact-finding interview it became apparent to the claimant that Ms. La Foy was dissatisfied with her work and that no further assignments would be given to her so she chose to send in a letter of resignation on January 13, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

Ms. La Foy had determined not to provide the claimant with any additional assignments. When the work assignment were cut off and when the claimant learned how displeased Ms. La Foy was with her during the fact-finding interview, she had no reasonable expectation that any further work would be given to her. Rather than continue to be denied work, the claimant voluntarily resigned her job. Her leaving was because the employer refused to provide any additional work to her. The employer's refusal to provide the claimant with work amounts to an intolerable situation. Benefits are allowed, provided the claimant is otherwise eligible.

#### DECISION:

The January 8, 2004, reference 01, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

tkh/s