

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREA J WILSON
Claimant

APPEAL NO. 10A-UI-00877-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINSLOW LLC
Employer

OC: 07/05/09
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 8, 2010, reference 02, that concluded she voluntarily quit employment without 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. No one 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 certified nursing assistant from August 10, 2009, to December 15, 2009.

The claimant voluntarily quit employment on December 15, 2009, because her supervisor reneged on her agreement that the claimant could have December 17 off work so she could pick up Toys for Tots Christmas gifts. The supervisor had approved the day off before the schedule for the week was posted and had assured the claimant more than once that she would change the schedule when the claimant was mistakenly scheduled for December 17.

On December 15, when the claimant asked the supervisor again about the taking December 17 off, the supervisor insisted she would have to work. When she questioned this decision, reminding the supervisor about what the agreement was, the supervisor called her into the administrator's office and told her she was being written up for challenging her decision. She asked the supervisor and administrator what would happen if she did not work on December 17. She was told she would lose her job. Consequently, the claimant informed them she was quitting due to the unfair treatment she had received.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant voluntarily quit employment with good cause attributable to the employer. The employer's conduct was unfair and intolerable, which provided good cause to quit attributable to the employer. 871 IAC 24.26(4).

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

DECISION:

The unemployment insurance decision dated January 8, 2010, reference 02, is reversed. 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/pjs