

**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**

**TIMOTHY J FRIDOLPH  
1011 DIVISION ST  
RED OAK IA 51566**

**BEST BUY STORES LP  
RICHARD SCHULTZE ET AL  
c/o EMPLOYERS UNITY INC  
PO BOX 749000  
ARVADA CO 80006-9000**

**Appeal Number: 05A-UI-05625-DT  
OC: 05/01/05 R: 01  
Claimant: Appellant (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, 4<sup>th</sup> 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:

Timothy J. Fridolph (claimant) appealed a representative's May 20, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Best Buy Stores, L.P. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 27, 2005. The claimant participated in the hearing. Marcie Schneider appeared on the employer's behalf and presented testimony from one witness, Todd Zwiener. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on October 17, 2004. He worked full time as a product process specialist in the employer's Council Bluffs, Iowa retail electronics store. His last day of work was April 27, 2005. He voluntarily quit effective that date.

Since beginning his employment, the claimant had been available to work any weekday evening but Wednesday evening, and had been available to work on Saturdays. He usually worked two or three Saturdays a month. At approximately the end of March 2005, he sought to change his availability so that he would not have to work any weekends because of the difficulty he had in finding weekend childcare. While he was not consciously aware of the policy when he was hired, the employer had a policy that, in order to be a full-time employee, an employee had to be available for work at least three of the five weekdays per week and at least one Saturday or Sunday each week.

He was reminded or informed of this policy when he sought to change his availability. Initially, he attempted to explore other childcare options, but when that was not successful, he gave his two-week notice of quitting because he could not afford to lose the benefits that went with the full-time position, which he would lose if he cancelled his weekend availability and went to part-time status.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for 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 24.25 provides that, 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 claimant did express his intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code section 96.6-2. Quitting due to childcare issues is a good personal reason but is not a cause attributable to the employer. 871 IAC 24.25(17), (23). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's May 20, 2005 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of April 27, 2005, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/kjw