

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEONTE L ARMS**  
Claimant

**APPEAL NO: 13A-UI-02531-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TOYOTA MOTOR CREDIT CORP**  
Employer

**OC: 01/27/13**  
**Claimant: Respondent (2/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's February 21, 2013 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant quit his employment for reasons that qualify him to receive benefits. The claimant participated in the hearing. Amanda Hill, Dan McGovern and Gia Robey appeared on the employer's behalf. Amanda Kramer observed the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in June 2012. When the employer hired him, the claimant understood he would work 12:30 p.m. to 9:00 p.m. The claimant worked as a full-time customer loyalty advocate.

In November 2012 the claimant talked to the employer about working part time because he was going to college full time in January. The claimant told the employer he did not believe he could work 40 hours a week and also go to school full time. The employer did not have any part-time position in the Loyalty program.

In December 2012, the claimant accepted a shift change from working until 9:00 p.m. to 8:00 p.m. on Monday through Friday. The claimant told Robey, his team leader, that if the shift change became permanent, he had concerns with his class schedule. He also told Robey that he still wanted to work part time and look for work that was not phone work, which was all the employer had.

On January 20, 2013, the employer announced that the change in closing at 8 p.m., Monday through Thursday was a permanent change. The employer tried to give the claimant an option of working 40 hours a week and still go to school. When the employer gave the claimant the

option of working noon to 8:00 p.m., Monday through Thursday and 8:00 a.m. to 7:00 p.m. on Friday, the employer did not know the claimant had changed a class so he had a class on Friday from 10:00 a.m. to 10:50 a.m. The employer then suggested that the claimant could use his PTO time to cover for the time he was in school. The claimant did not want to use his PTO for this. The claimant's school started on January 22, 2013.

On January 23, 2013, the claimant gave the employer his resignation indicating his last day of work would be February 8, 2013. On January 28, the claimant modified his last day of work to January 28.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits without good cause when he leaves to go to school. 871 IAC 24.25(26). The law also presumes a claimant voluntarily quits with good cause when he leaves because of a substantial change in his employment. A minor change in a worker's routine does not constitute good cause to quit. 871 IAC 24.26(1).

The claimant quit in part because his work schedule conflicted his class schedule. Since the claimant accepted the shift change, to close at 8:00 p.m. instead of 9:00 p.m. Monday through Thursday, this change amounts to a minor change, not a substantial change.

Based on the school schedule the claimant initially gave the employer, the employer proposed a schedule that then fit within his school schedule. After the claimant rejected the employer's proposed schedule, the employer then told the claimant he could use PTO to cover absences he had as a result of his school schedule. Again, the claimant did not do this.

The evidence establishes that in November and December the claimant tried to work part time instead of full time because he did not think he could work full time and also go to school full time. When the employer did not have any part-time positions in the department the claimant worked, he quit for compelling personal reasons, to go to school full time. The claimant's reasons for quitting do not establish good cause. Therefore, as of January 27, 2013, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits he may have received since January 27, 2013, will be remanded to the Claims Section to determine.

#### **DECISION:**

The representative's February 21, 2013 determination (reference 01) is reversed. The claimant voluntarily quit his employment for personal reasons, but these reasons do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 27, 2013. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment he may have received since January 27, 2013, is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css