

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA A WESSELS

Claimant

APPEAL NO. 10A-UI-03683-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON PET PRODUCTS

Employer

**Original Claim: 10/11/09
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 25, 2010 (reference 01) decision that allowed benefits. After due notice was issued, a telephone conference hearing was held on April 21, 2010. Claimant participated. Employer participated through Human Resources Manager Brooke Salger.

ISSUE:

The issue is whether claimant voluntarily left the employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked full-time as a production worker from February 1, 2010 and was separated from employment on February 2, 2010. During the interview process, employer represented her hours as 7 a.m. through 3:30 p.m., but on her first day of work she worked until 5:50 p.m. and the supervisor was still bringing work out. Salger told her she may be working ten-hour days at orientation, so claimant expected to be finished at 5:30 p.m. Claimant has animal chores to attend to at home, so she had the expectation she would be done by 5:30 p.m. Although there is a posting on an employee bulletin board that there may be extended hours based upon production needs with an approximate end time of 3:30 p.m., that was not available to claimant while interviewing and she was not told the hours would vary from day to day but she would be notified about overtime in advance.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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(23) 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:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

The work hours and schedule misrepresentation gave rise to a good-cause reason for leaving the employment. Benefits are allowed.

DECISION:

The February 25, 2010 (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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw