

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLIE M BELTZ
Claimant

APPEAL NO. 13A-UI-08340-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NPC INTERNATIONAL INC
Employer

OC: 06/16/13
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Employer filed a timely appeal from a representative's decision dated July 8, 2013, reference 01, which held claimant eligible to receive unemployment insurance benefits. After due notice was provided, a telephone hearing was held on August 21, 2013. The claimant participated. Participating as a witness for the claimant was Travis Beltz, the claimant's husband. The employer participated by Ms. Sherry Morales, General Manager.

ISSUE:

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

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Ashlie Beltz was employed by NPC International, Inc., doing business as Pizza Hut, from November 2012 until March 4, 2013 when she voluntarily left employment. Ms. Beltz was employed as a full-time shift manager/driver and was paid by the hour. Her immediate supervisor was the general manager, Ms. Morales.

Ms. Beltz left her employment with the captioned company on March 4, 2013 after she believed that the employer had not fulfilled its agreement to change her working hours after the claimant had returned from a medical leave of absence. It had been agreed that Ms. Beltz' work schedule on Sundays would be reduced or eliminated and that the claimant would be required to close one night during the week and on Fridays and Saturdays, if needed. Although the general manager had agreed to the change in the claimant's working hours, the change had not been implemented for a substantial period of time because the company was delaying the change until a new shift manager could be fully trained. Ms. Beltz was not informed that the agreed upon change in her working hours was contingent upon another person being trained to replace her.

Ms. Beltz had provided a two-weeks notification of her intention to leave due to the shift issue but apparently the claimant's notice of quitting had not been recognized as such by the manager. Ms. Beltz had other job dissatisfaction which included that she was repeatedly called

to return to work before her leave of absence had ended and dissatisfaction with the manner in which the manager had initially handled the claimant's decision to send a cook home on one occasion.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

In this matter the evidence establishes that Ms. Beltz did give the employer adequate notice of her dissatisfaction with the employer's failure to implement changes in the claimant's working schedule that had been agreed upon prior to her return from a medical leave of absence. The claimant was not informed that the agreed upon change in the scheduling would not take place for an extended period until a new shift manager had been fully trained. Based upon the claimant's reasonable expectation that the changes would be implemented within a reasonable period of time, the claimant was dissatisfied when the changes did not take place and the employer was given an opportunity to address or resolve the complaints prior to the claimant's leaving. When the matter was not addressed or resolved, Ms. Beltz left her employment with good cause attributable to the employer. Unemployment insurance benefits are allowed providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated July 8, 2013, reference 01, is affirmed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing that the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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