

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID T HEARD

Claimant

APPEAL NO: 11A-UI-16240-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JOHNNY BOY'S CAR WASH INC

Employer

OC: 07/03/11

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 12, 2011 determination (reference 06) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Chelsey Shale testified on the claimant's behalf. Stephanie Khairallah appeared on the employer's behalf. 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 or did the employer discharge him for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant started working as a full-time car detailer in March 2011. The claimant primarily worked weekdays, 8:00 a.m. to 6:00 p.m. When the claimant decided to go to school, the hours he worked during the week conflicted with his school schedule. The claimant talked to the employer on May 13 about working weekends instead of weekdays. The employer did not have any weekend hours available, but would continue the claimant's employment as an on-call employee instead of a full-time or even a part-time employee. The claimant worked full time until May 23.

The employer did not call the claimant to work until December 2011. The claimant worked in December as an on-call employee.

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, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. When the claimant's school schedule conflicted with his work schedule, the claimant did want to

completely end his employment relationship. Instead, he wanted to change the hours he worked, which effectively reduced the hours he could work. For unemployment insurance purposes, the claimant quit his full-time employment because of his class schedule. He wanted to work part time. When the employer could not regularly schedule him to work weekends, the claimant agreed to continue his employment relationship as an on-call employee.

The claimant initiated the change in the employment relationship and effectively quit working as a full-time employee. The law presumes a claimant quits or leaves employment without good cause because he is going to school. 871 IAC 24.25(26). As a result of the change in the employment relationship after the claimant began school, the claimant quit his full-time employment for reasons that do not qualify him to receive benefits.

DECISION:

The representative's December 12, 2011 determination (reference 06) is affirmed. The claimant initiated his employment separation from a full-time employee to an on-call employee. The claimant established personal reasons for initialing this change. For unemployment insurance purposes, the claimant quit or gave up his full-time job because the hours conflicted with his classes. While the claimant's decision to go to school is commended, this reason does not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 3, 2011. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css