

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAWRENCE A VILLEGAS
Claimant

APPEAL NO: 13A-UI-04504-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 03/17/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 5, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated at the hearing. Sabrina Bentler represented the employer. Dorrie Decker, the store director, and Tim Jones, the meat manager, 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?

FINDINGS OF FACT:

The claimant started working for the employer in July 2009. He worked as a part-time meat clerk and sometimes cut meat. When the employer hired the claimant, he was not guaranteed a minimum number of hours a week. He worked anywhere from 10 to 30 hours.

The claimant became frustrated with the hours Jones scheduled him to work. The hours the claimant was available made it difficult sometimes to schedule him more hours. The claimant assumed other part-time employees were scheduled hours they wanted, but he was not.

On March 18, the claimant talked to Decker about issues he had with the hours he was scheduled to work. She told the claimant that he, Jones and Decker would have a meeting to resolve this concern. A meeting date was not scheduled, but the first time they all worked was March 20.

On March 19, the claimant arrived for his 2 p.m. to 7 p.m. shift. The claimant looked at the upcoming schedule and realized he would again not get the hours he requested. The claimant became upset and told an employee he was done and out of here. The claimant walked out around 2:15 p.m. Between 3:30 and 4 p.m., the claimant talked to Decker and told her he had quit.

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). The claimant quit when he walked off the job on March 19, 2013. 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).

When the employer hired the claimant, the employer did not guarantee the claimant a minimum number of hours a week. The claimant took a reasonable step to address his scheduling concerns when he talked to Decker on March 18. Unfortunately, she could not resolve his concerns immediately and told him she would schedule a meeting between Jones, the claimant and herself. The earliest this meeting could take place was March 20 when everyone worked.

The claimant let his emotions get the best of him and became upset about the schedule on March 19. While he was upset, he quit by walking off the job on March 19, 2013. The claimant quit for personal reasons, but his reasons do not qualify him to receive benefits. As of March 17, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's April 5, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons, but these reasons do not qualify him to receive benefits. As of March 17, 2013, the claimant is disqualified from receiving unemployment insurance benefits. 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/pjs