

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER M PATTEN
Claimant

APPEAL NO. 09A-UI-08179-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GMRI INC
Employer

OC: 04/12/09
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Heather Patten filed an appeal from a representative's decision dated June 3, 2009, reference 02, which denied benefits based on her separation from GMRI, Inc. After due notice was issued, a hearing was held by telephone on June 23, 2009. Ms. Patten participated personally. The employer participated by Judy Van Mill, Service Manager.

ISSUE:

At issue in this matter is whether Ms. Patten was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Patten was employed by GMRI, Inc., doing business as Red Lobster, from October 7, 2008 until March 8, 2009. She worked as a food and beverage server. She gave two week's notice that she was quitting but did not inform the employer of her reason for quitting. She quit because she was not getting as many hours as she expected. She was averaging approximately 25 hours per week.

Ms. Patten told the service manager that her husband was returning to work and that she would no longer be available to work day hours. She told the manager her husband was returning to work because she was not making enough money. Ms. Patten was told she would not have as many hours if she changed her availability. She never threatened to quit because of the number of hours she was scheduled to work. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Patten quit because she believed she had been hired for full-time work and should have been scheduled for at least 32 hours each week. She never told the employer she

felt the hours had been misrepresented to her at the time of hire or that she intended to quit if not given more hours. Her statement that she was not making enough money was not sufficient to put the employer on notice that she intended to quit because of the number of hours she was being scheduled.

Even when she gave her two week's notice, Ms. Patten did not inform the employer of her reason for leaving. The administrative law judge concludes that she did not give the employer a full and fair opportunity to try to resolve the issue that was causing her to quit. Because the employer did not have a chance to salvage the employment relationship, it is concluded that the separation was not for good cause attributable to the employer. As such, benefits are denied.

DECISION:

The representative's decision dated June 3, 2009, reference 02, is hereby affirmed. Ms. Patten quit her employment for no good cause attributable to the employer. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs