

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KIM M BLACKSMITH-DAVIS
Claimant

PRINCIPAL LIFE INSURANCE CO
Employer

APPEAL NO. 17A-UI-04301-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/26/17
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 10, 2017, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 11, 2017. Claimant participated. Employer participated by Leona Cochran. Employer's exhibits 1 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 16, 2017. Claimant voluntarily quit her position on September 16, 2017.

Claimant was hired to work a 10am to 7pm shift in customer service. Claimant was hired January 11, 2016. Claimant was not happy with having to work those hours, and unsuccessfully tried to transfer positions. In March of 2016 after working approximately two months, claimant was informed that shift beds were available in May of 2016 whereby an employee could put in a bid to move to a different shift. These bids were determined by work performance.

In April of 2016 employer put out an email explaining the shift bid process. The process didn't allow new hires to put in a shift bid for different hours. This is because new employees do not have enough hours of work to make it so they would have points eligible for a changing of shift. Therefore, the new employees would not have accumulated enough points that they would have a realistic opportunity to be successful on their bid shift requests, as the point accumulation ran from September through March and claimant had only started working in the middle of January.

Employer sent out an email stating the shift bid process and the fact that claimant, as a new hire, was not able to bid in this period. Claimant was bothered that she wasn't able to bid, and that she'd been given wrong information from her supervisor a couple weeks earlier.

Claimant continued working for employer for approximately 5 more months before putting in her two weeks' notice on September 2, 2016. Employer believed claimant was quitting to return to her previous career, but claimant denied that to be the case. Claimant and employer discussed nothing further about the bid shift process after April, and there was a new bid shift, for which claimant would have been eligible, in December, 2016. Claimant chose to quit prior to that time.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she believed she received incorrect information concerning the level of experience necessary to be eligible for the bid shift.

Claimant was hired for the 10am to 7pm shift. She knew these hours at the time of hire. Claimant was never promised a time when she'd be eligible to shift to other hours. Even if the administrative law judge were to take claimant's testimony verbatim, she still would not be eligible for benefits as there was absolutely no guarantee or promise that claimant would be able to change her hours of work.

DECISION:

The decision of the representative dated April 10, 2017, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn