

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

AMANDA N DAVIS  
1112 AVE F  
FORT MADISON IA 52627

REMEDY TEMPORARY SERVICES INC  
c/o TALX UC EXPRESS  
PO BOX 66864  
ST LOUIS MO 63166 6864

Appeal Number: 05A-UI-05514-DWT  
OC: 04/10/05 R: 04  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Amanda N. Davis (claimant) appealed a representative's May 13, 2005 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits, and the employer's account was not subject to charge because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 14, 2005. The claimant participated in the hearing. Angie Vaughn, the on-site manager at Scotts since May 2005, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant registered to work with the employer on October 18, 2004. The employer is in the business of providing temporary employees to Scotts. The claimant started working at Scotts on October 18, 2004.

When the claimant worked at Scotts, she worked the 6:00 a.m. to 6:30 p.m. shift. The claimant worked this schedule three days one week, and four days the next week. In mid-January 2005, Scotts went on mandatory overtime. This meant the claimant would be required to work 6:00 a.m. to 6:30 p.m. six days a week. The claimant's childcare would not take care of the claimant's child six days a week. The claimant tried to find another childcare provider, but was unsuccessful. When the claimant could not find anyone to take care of her child, she told the employer's on-site supervisor she would have to quit because of her childcare situation. The employer's on-site supervisor did not provide the claimant with the names of any daycares the claimant could contact. The claimant gave the employer a two-week notice because her child care provider agreed to take care of the claimant's child for only two weeks when the claimant had to work six days a week. The claimant's last day of work for the employer was February 3, 2005.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. The claimant voluntarily quit her employment when she gave the employer her two-week notice. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant quits without good cause when she quits because of childcare issues. 871 IAC 24.25(17). However, the law also presumes a claimant has voluntarily quit with good cause when she quits because of a substantial change in the employment relationship. 871 IAC 24.26(1).

In this case, the claimant had adequate child care for the hours the employer initially hired her to work. After Scotts implemented mandatory hours, the claimant's childcare provider would not agree to care for the claimant's child six days a week. Although the claimant took reasonable steps to find other childcare arrangements, she was not successful. When the claimant quit, she informed the employer's site manager she had to quit because she could not find a childcare provider who would take care of her two-year old six days a week from 6:00 a.m. to 6:30 p.m. The employer's on-site coordinator did not advise the claimant of any daycare facilities to contact even though she knew the claimant had to quit because the mandatory hours Scotts implemented forced the claimant to try and find another child care provider. In this case, the change of hours from working three and four days a week to working six days a week, amounts to a substantial change in the employment relationship. This substantial change created childcare problems for the claimant. As a result of the additional

mandatory hours, the claimant established she quit for reasons that qualify her to receive unemployment insurance benefits.

DECISION:

The representative's May 13, 2005 decision (reference 03) is reversed. The claimant voluntarily quit her employment because of a substantial change in the employment relationship. As of January 30, 2005, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/pjs