

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

IRMA A ZIMMERMAN
Claimant

APPEAL NO. 11A-UI-03859-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLIANT ENERGY CORPORATE SVCS INC
Employer

**OC: 02/13/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Irma A. Zimmerman (claimant) appealed a representative's March 14, 2011 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Alliant Energy Corporate Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 19, 2011. The claimant participated in the hearing. Deborah Neyens, in-house attorney, appeared on the employer's behalf and presented testimony from one witness, Jason Krueger. During the hearing, Employer's Exhibits One and Two were entered into evidence. 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 for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on January 18, 2010. She worked full-time as a customer service representative in the employer's Cedar Rapids, Iowa, call center. Her last day of work was January 28, 2011. She voluntarily quit by submitting her resignation on January 20, 2011. She indicated her last day of work to be February 3; the employer chose to excuse the claimant from work after January 28 and to pay her through February 3.

The claimant's reason for quitting was due to the conflicts between her work schedule and her child care and her own school schedules. She had previously requested to go to part-time status, but the employer did not have part-time positions available. The claimant's work schedule was subject to seniority bid every three months. Most recently, the claimant had worked a 9:30 a.m.-to-6:00 p.m. shift, with Sundays and Tuesdays off. She had worked the 2:30 p.m.-to-11:00 p.m. shift from August until November 2010, and prior to August 2010 she had worked a 9:00 a.m.-to-5:30 p.m. schedule. When she had been hired, the claimant had been informed and had agreed that she would need to be available to work the variety of shifts.

The claimant did not believe that her seniority would allow her to ever get the shift that she wished. Therefore, she determined to quit her employment.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, in general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Quitting because of a dislike of the shift is not good cause where there was no substantial change in the shift the claimant had previously agreed to be able to work. 871 IAC 24.25(18); 871 IAC 24.26(1). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's March 14, 2011 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of February 3, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw