

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA BEAVERS

Claimant

APPEAL NO: 10A-UI-14957-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 08/22/10

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jessica Beavers (claimant) appealed an unemployment insurance decision dated October 20, 2010, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Wells Fargo Bank NA (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 8, 2010. The claimant participated in the hearing. The employer participated through Tanner Ludwig, Collection Supervisor and Larry Lampel, Employer Representative. 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:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a collection representative from May 19, 2008 through July 29, 2010. She is going to school and worked on a flex schedule except for summers when she went full-time. She was not required to work a minimum number of hours on her flex schedule. The claimant worked for Wells Fargo Financial and this subdivision of Wells Fargo was going to close so the claimant opted to work for Wells Fargo Card Services Consumer Lending.

The claimant and several other employees moved to the new building with consumer lending on June 1, 2010. The claimant was again working full-time hours. The consumer lending subdivision does not allow employees to work a flex schedule and if an employee wants to work part-time, he or she has to work at least 17.5 hours per week. The claimant started back to school early this year on August 1, 2010 and since she was unable to work the minimum number of hours to remain part-time, she voluntarily quit. Continuing work was available.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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 claimant voluntarily quit on July 29, 2010 so she could go to school. She had previously been allowed to go flex time during the school year but she changed jobs as of June 1, 2010 and the new department did not allow flex time. The claimant could not work the minimum number of hours to remain part-time.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated October 20, 2010, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs