

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICHOLE S CARROLL
Claimant

APPEAL NO: 13A-UI-13979-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 09/15/13
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's December 13, 2013 determination (reference 03) that held the claimant qualified to receive benefits and the employer's account subject to charge because she voluntarily quit her employment for reasons that qualify her to receive benefits. The claimant participated in the January 14 hearing. Shawn Vierke represented the claimant. Mary Eggenburg and Lindsay Miller appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer on May 31, 2011. She worked part time, 20 hours a week. Even though she was hired for a day/night shift, she only worked nights during her employment.

The claimant initially worked a 16-hour shift on Friday night and then a 4-hour night shift during the week. When the employer did not allow employees to work 16-hour shifts, the claimant worked a 12-hour shift on Friday nights and picked up eight hours at night during the week.

Miller became the nurse manager of the claimant's department in March 2013. The employer decided only full-time employees could work at night. The employer started hiring full-time employees to work at night in August 2013.

The claimant told the employer she could only work at nights. The claimant could only work at nights because of her intern program and she had another job that required her to work days. The claimant's schooling also prevented her from working days for the employer. The employer informed the claimant that starting with the new schedule in late October she would have to work days even though she had not worked days before.

When the employer would not continue scheduling the claimant to work night hours, she gave the employer her two-week notice. The claimant worked to the effective date of her resignation, October 25, 2013.

The claimant reopened her claim for benefits during the week of October 27, 2013. She has filed claims for the weeks ending November 2, 2013, through January 11, 2014. She has received her maximum weekly benefit amount for each of these weeks.

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). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The evidence establishes that until late October 2013, the claimant worked night shifts, not days. While the employer has the right to meet its business needs and change the claimant's work schedule, the change from working at nights to days amounts to a substantial change in the claimant's employment. This substantial change qualifies the claimant to receive benefits. 871 IAC 24.26(1). As of October 27, 2013, the claimant is qualified to receive benefits.

DECISION:

The representative's December 13, 2013 determination (reference 03) is affirmed. The claimant voluntarily quit her employment for reasons that qualify her to receive benefits. As of October 27, 2013, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs