

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICKIE L HATCH**

Claimant

**APPEAL NO. 11A-UI-02068-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CROSSROADS OF WESTERN IOWA**

Employer

**OC: 11/28/10**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(18) – Dissatisfaction with Work Shift

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated February 9, 2011, reference 02, that held she voluntarily quit employment without good cause on November 12, 2010, and that denied benefits. A telephone hearing was held on March 17, 2011. The claimant participated. Jackie Collins, HR Generalist, participated for the employer. Employer Exhibit 1 was received as evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began work for the employer as a full-time residential coach to work an evening shift from 4:00 p.m. to midnight. In October, she requested to be moved to the day shift. After a day of training, the claimant worked a full week.

At the end of the week, the claimant requested she be moved back to her former shift, because she did not like working in a community setting versus a house setting. The employer denied the request because it had hired a replacement for her former shift.

The claimant submitted a written resignation to the employer on November 1 stating she would work until November 12. The employer accepted the resignation. The employer offered the claimant a night shift position (12:00 a.m. to 8:00 a.m.) to work during her notice period, and the claimant accepted. After a few days, the claimant advised the employer she liked the night shift, and she requested to rescind her resignation and work this position. The employer denied the request because it had accepted her resignation.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

871 IAC 24.25(18) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(18) The claimant left because of a dislike of the shift worked.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer effective November 12, 2010.

The claimant caused her unemployment. She was hired to work an evening shift, and when the employer agreed to move her to days, she didn't like performing the same job in a different work environment. The employer accepted the claimant's resignation, because it had replaced her evening shift work, and she wasn't willing to work days that she had requested to perform. Although the employer accommodated her working a night shift during the notice period, it was not required to make that permanent and allow the claimant to rescind her resignation.

**DECISION:**

The department decision dated February 9, 2011, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on November 12, 2010. Benefits are denied until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw