

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE M MACE

Claimant

APPEAL NO. 10A-UI-15685-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC

Employer

OC: 10/10/10

Claimant: Respondent (1)

Iowa Code § 96.5-1- Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's November 5, 2010 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. The claimant participated in the hearing with her witness, Pat Persinger. Jerry Miller and Monica Ensminger appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant 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 in December 2009. The claimant agreed to work Monday through Friday, 8 a.m. to 5 p.m. She worked full-time. The employer assigned the claimant to another program for a short time. On the second program, she worked 7 a.m. to 4 p.m. She also worked three Saturday mornings.

The claimant is a single mother with an 8-year-old son. When the claimant accepted employment, she understood she would work only during the week. When the claimant learned employees had to bid on shifts for the third program she was assigned to worked, she was worried because she could not work Saturdays and wanted to continue her employment. The claimant talked to her first supervisor, Miller. He advised her to continue working until she knew what shift she had. The claimant ended up with a Tuesday through Saturday, 9 a.m. to 6 p.m. shift. The claimant did not have any friends or relatives to watch her child on Saturday. She cannot afford a babysitter on Saturdays.

When the new shift went into effect, the claimant submitted her resignation. She resigned because she could not work all day on Saturday. The claimant's last day of work was September 27, 2010.

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 law presumes a claimant quits with good cause when there is a substantial change in her employment. 871 IAC 24.26(1). The claimant established good cause for quitting. She accepted employment for Monday through Friday, not Tuesday through Saturday. When the claimant learned she had to bid on a shift, she was fearful about having to work a shift she could not because she is a single parent. She talked to management personnel about her situation. Unfortunately, no one thought about suggesting she look into the possibility of swapping a day with a co-worker on a permanent basis. The claimant had no idea this was a possibility.

Since the claimant quit for good cause attributable to the employer, she is qualified to receive benefits as of October 10, 2010.

DECISION:

The representative's November 5, 2010 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that qualify her 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/kjw