

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**WILLIAM F MCGATHY**  
Claimant

**BLAZIN WINGS INC**  
Employer

**APPEAL 15A-UI-02881-KCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/15/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 2, 2015 (reference 02) unemployment insurance decision that denied benefits based upon voluntarily quitting. The parties were properly notified about the hearing. A telephone hearing was held on March 9, 2015. The claimant participated. The employer was represented by Michele Hawkins and witness Jody Winch, supervisor.

**ISSUE:**

Did the claimant quit employment voluntarily without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part time as a cook. He began employment on August 28, 2014 and was separated from employment on September 6, 2014 when he quit. The claimant was in an orientation/training period when he quit. The claimant understood that he eventually would be working 35 hours per week. During the training period, the claimant was scheduled for 3 to 4 hour shifts each day to work with a trainer. He was to be trained by working side-by-side with an experienced employee to learn each phase of the work.

In his appeal, the claimant reported to Iowa Workforce Development that he quit the position because he was allergic to the seasoning used in the food and he did not think the job was a good fit. He understood that the probationary period was an opportunity for the employer and employee to see if the employment relationship was a good fit for each party.

In contrast, he testified that he quit because he wanted more hours each week. He quit shortly after starting his shift on September 6, 2014, when he saw the schedule and decided that he would not get the number of hours he wanted. He did not speak to a member of management before he left on September 6, 2014. He walked out. Supervisor Jody Winch called him that day to find out why he left. He stated that he was done and the job was not for him. Another supervisor also called him to find out why he quit. The claimant was later hired as a sod-cutter. Thereafter, he pursued another position. He is currently employed 37.5 hours per week scanning books.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

While the claimant's leaving employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer, according to Iowa law. The claimant identified alternative reasons for quitting his position in the middle of a scheduled shift; allergies to food seasoning, wanting more hours, and he did not like the position. He did not indicate that he had another job offer at the time he left the employment. Benefits must be denied.

**DECISION:**

The March 2, 2015 (reference 02) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Kristin A. Collinson  
Administrative Law Judge

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Decision Dated and Mailed

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