

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRAVIS M VAN NESS
Claimant

APPEAL NO: 18A-UI-07690-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HUMACH LLC
Employer

OC: 09/24/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 16, 2018, reference 06, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 7, 2018. The claimant participated in the hearing. Jennie Bauer, Human Resources Generalist and Katy Reeves, Supervisor, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with 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 as a full-time member relations specialist for Humach, LLC from April 16, 2018 to June 13, 2018. He voluntarily left his employment because the employer would not allow him to leave June 13, 2018, to go help take care of his brother's apartment building.

The claimant worked 12:30 p.m. to 9:00 p.m. Tuesday through Saturday. He was absent due to illness April 30, May 8, 9, 10, May 25, June 2 and June 9, 2018. The claimant missed half his shift May 29, 2018, due to transportation issues and was considered a no-call/no-show June 8, 2018, after he left early and did not inform anyone he was leaving. The employer issued the claimant a written warning about his attendance June 5, 2018.

On Wednesday, June 13, 2018, the claimant requested the day off to help at his brother's apartment building. The employer denied his request and told him if he took the day anyway he would be placed on a final written warning. The claimant then asked for a change in his schedule to daytime hours. The employer agreed to change the claimant's schedule but told him it would take a few days to go through the approval process and his schedule would remain the same until Friday or Monday. The claimant indicated he could not wait for the change to

occur and the employer told him it needed his decision. Consequently, the claimant said he was done, grabbed his belongings and left.

The claimant contacted Manpower about further employment but did not perform any work for Manpower until July 9, 2018, and has worked for Manpower a total of three days.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant asked for June 13, 2018, off to help with his brother's apartment building and when the employer denied his request, the claimant resigned his employment effective immediately. The claimant had not yet been with the employer for 90 days and consequently had not yet earned any paid time off. Additionally, he had already received a written warning for attendance and another absence would have resulted in a final written warning.

The claimant made a commitment to work for this employer full-time. While it may be understandable that he wanted to help his brother, this job was the claimant's responsibility, not his brother's apartment building. It was not unreasonable for the employer to deny the claimant's request to take the day off, especially in light of the claimant's attendance record not even three months into his employment.

The final issue is whether the claimant left his employment to accept other employment elsewhere. Although the claimant had contacted Manpower about a part-time assignment previously, he did not contact it about full-time work until after he made the decision to leave his employment with Humach, LLC June 13, 2018. The claimant quit his job because he could not have the day off. He did not quit his job to accept employment with Manpower.

Under these circumstances, the administrative law judge must conclude the claimant voluntarily left his employment without good cause attributable to the employer. He has not demonstrated that his leaving was for unlawful, intolerable, or detrimental working conditions. Therefore, benefits must be denied.

DECISION:

The July 16, 2018, reference 06, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn