

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JOYCE E MCBRIDE
631 W 3RD ST
WATERLOO IA 50701

HOB-LOB LIMITED PARTNERSHIP
C/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-00136-HT
OC: 11/02/03 R: 03
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The claimant, Joyce McBride, filed an appeal from a decision dated December 29, 2003, reference 01. The decision disqualified her from receiving unemployment benefits effective November 17, 2003. After due notice was issued a hearing was held by telephone conference call on January 27, 2004. The claimant participated on her own behalf. The employer, Hob-Lob, participated by Store Manager Tom Nyland and was represented by Talx in the person of Katie McCann.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Joyce McBride was employed by Hob-Lob from November 2, 1998 until December 9, 2003. She was a full-time assistant manager.

The claimant submitted a written resignation on December 1, 2003, stating she would be quitting effective December 15, 2003. She did not give a reason and did not work her entire notice period but left effective December 9, 2003. At the appeal hearing she indicated she was unhappy with having had to take FMLA in October 2003, but wanted to stay until December to earn a larger bonus and then to stay home and assist her son and daughter-in-law with their newborn.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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.

The record establishes the claimant quit for personal reasons. Although this may constitute good personal cause, it is not good cause attributable to the employer. She is disqualified.

DECISION:

The representative's decision of December 29, 2003, reference 01, is modified in favor of the appellant. Joyce McBride is disqualified as of December 9, 2003, and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjf