

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES F BRUMMOND
Claimant

APPEAL NO. 11A-UI-11170-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 07/03/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated August 18, 2011, reference 01, which denied benefits finding the claimant voluntarily left work for reasons that were not caused by the employer. After due notice a telephone hearing was held on September 15, 2011. Claimant participated personally. The employer participated by Mr. John Fiorelli, Hearing Representative, and witnesses: Ms. Connie Hidemann, Human Resource Manager and Mr. Pat Lamb, Store Manager.

ISSUE:

The issue is whether the claimant left employment with Hy-Vee, Inc. for reasons that were attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: James Brummond was most recently employed by Hy-Vee, Inc. from February 20, 2010 until July 18, 2011 when he voluntarily relinquished his part-time position with the company. Mr. Brummond most recently worked as a part-time night stocker and was paid by the hour. Mr. Brummond initially worked four days per week in the capacity of night stocker but at his own request, reduced his working hours to one night per week.

Mr. Brummond had reduced his working hours with Hy-Vee, Inc. because he had re-located from Cedar Rapids, Iowa, to Iowa City, Iowa, where he had accepted full-time employment with another company.

After a period of time Mr. Brummond concluded based upon the number of hours he was working and required deductions from his pay that it was not economically feasible to continue in his part-time capacity with Hy-Vee, Inc. and communicated that to the store manager by telephone on July 18, 2011.

Because Mr. Brummond was concerned that his leaving might be viewed negatively, the claimant visited at length with Mr. Lamb. The parties, in effect, agreed that Mr. Brummond was a good worker and that if he should re-locate back to the Cedar Rapids area, claimant would be eligible for re-employment with Hy-Vee, Inc.

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:

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 this case the claimant's primary reason for leaving his part-time employment with Hy-Vee, Inc. was because he had moved to a different geographic location and it was not economically feasible to work in a part-time capacity for Hy-Vee, Inc.

The question for the administrative law judge is not whether the claimant made a good personal reason to quit his part-time employment but whether the quitting was attributable to the employer. The claimant knew the nature of his work with Hy-Vee and had requested that his hours be reduced. Continued work was available. The reason for the claimant's leaving employment was not attributable to the employer but attributable to the claimant's personal decision to no longer commute to part-time employment. Good cause attributable to the employer has not been established. Benefits are withheld.

DECISION:

The representative's decision dated August 18, 2011, reference 01, is affirmed. Claimant is disqualified. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs