

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY L GRIESER
Claimant

APPEAL NO. 16A-UI-08478-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

INDUSTRIAL MEDICAL SUPPORT INC
Employer

OC: 11/15/15
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Amy Grieser (claimant) appealed a representative's August 1, 2016, decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Industrial Medical Support (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 23, 2016. The claimant participated personally. The employer participated by Mollie McFarland, and Ian Foley, Area Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 5, 2016, as a part-time health and safety medical technician. On February 1, 2016, the claimant became a full-time site lead health and safety medical technician.

On June 27, 2016, the claimant complained to her manager about her safety equipment and about a harassment issue. She made a request to her manager to return to part-time work effective July 13, 2016. The manager flew from North Carolina to Iowa to address the claimant's concerns. On July 5 and 6, 2016, the manager told the claimant there was no part-time position available for her. She had to choose between keeping her full-time position or leaving the company. The claimant was supposed to notify the employer of her decision by July 7, 2016. The manager called her three times but the claimant did not respond. On July 8, 2016, the claimant told the manager she wanted only to work part-time for the company. The manager told her there was no part-time work available for her. Continued work was available for the claimant had she stayed on as a full-time worker.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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.

Iowa Admin. Code r. 871-24.25(18) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(18) The claimant left because of a dislike of the shift worked.

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). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she would not work her full-time shift in the future. When an employee quits work because she is dissatisfied with her hours, her leaving is without good cause attributable to the employer. The claimant left work because she wanted to work fewer hours. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's August 1, 2016, decision (reference 04) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs