

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANIKA PLEDGE
Claimant

APPEAL NO: 10A-UI-05036-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

APAC CUSTOMER SERVICES OF IOWA
Employer

OC: 02-28-10
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 22, 2010, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 14, 2010. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left her 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 part-time customer service representative for APAC Customer Services of Iowa from November 24, 2008 to February 25, 2010. In January 2010 she told her supervisor she was going back to school for an eight-week CNA class and he indicated he would work around her school schedule which was the same as her work schedule of 9:00 a.m. to 1:00 p.m. The claimant signed up for school February 1, 2010, and as the date for her classes approached the employer told her it would not change her schedule. She spoke to the site director and was told she was “lucky” to still be there and if she wanted to make money she should continue working and forget about going to school. When it became clear to the claimant the employer would not accommodate her school schedule she submitted her two-week notice but after being told she was “lucky” to still be there and should stay there and not go to school she left February 25, 2010, and did not return.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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.

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 dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). 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 relied on her supervisor's statement that he would work around her school schedule in enrolling in her class and paying the fee for the course. When the employer later refused to change her work schedule to accommodate her school schedule it was detrimental to her both financially and educationally and consequently not unreasonable for the claimant to quit rather than forfeit her tuition and CNA class. Therefore, benefits are allowed.

DECISION:

The March 22, 2010, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs