

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANNETTE M ARNDT
Claimant

APPEAL NO. 08A-UI-11207-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KRYSILIS INC
Employer

**OC: 10/26/08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Annette M. Arndt (claimant) appealed a representative's November 25, 2008 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Krysilis, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 15, 2008. The claimant participated in the hearing. Connie Gremmer, the coordinator of human resources, and Tammy Smit, the claimant's former supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on April 16, 2008. The employer initially hired the claimant to work full-time. After the claimant missed some work for medical issues, she became a substitute employee on July 5, 2008. On August 24, the claimant began working as a part-time employee.

The claimant wanted more hours and wanted to again work full-time. The claimant learned the employer had two full-time job positions available. While walking with residents on September 19, the claimant saw Gremmer outside and talked to her. The claimant told Gremmer how she wanted the full-time job that was open. Gremmer told the claimant she should write a memo to the manager of the house where the job opening existed and to Smit that she was interested in transferring to the full-time job. The claimant may have talked to C., the manager of the house that had full-time job opening, but she did not write a memo indicating she was interested in the full-time job.

On or about September 19 or 26, claimant left a message on Smit's phone that she was quitting effective immediately. When Smit talked to the claimant, she understood the claimant was quitting because she had accepted other full-time employment. While the claimant did not mention the employer's full-time job, this was the job she had referred to during her conversation. No one

offered the claimant the full-time job she wanted. The employer accepted the claimant's resignation that was effective immediately. The claimant's last day of work was September 23.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a.

The first issue to address in this case is the credibility of the witnesses. About the only undisputed fact was that the claimant wanted more hours and was interested in the full-time position. After carefully considering the testimony of both parties, the employer's testimony is found more credible than the claimant's. This was based on several factors. First, it is unlikely the claimant wrote a resignation letter outside while she was walking with residents. If the claimant wrote a resignation letter in Gremmer's presence, she could have given it to Gremmer. Next, if the claimant wrote and gave a resignation letter to Smit, there is no explanation as to why Smit never received a written resignation letter from the claimant. Since the claimant had not been offered the full-time position, it was illogical for her to have resigned a position when she did not even know if she would get the full-time job. Finally, as the employer's coordinator of human resources, Gremmer could have worked with the supervisors involved if the claimant had been offered a full-time job so neither supervisor would have been short-staffed. The claimant's assertion Gremmer advised her to quit her part-time job is illogical. Since the employer's testimony is credible, the Findings of Fact reflect the employer's version of events.

The claimant made the decision to resign her part-time job when she called and left a message for Smit. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2. The claimant did not establish that she quit for reasons that qualify her to receive benefits. Therefore, as of October 26, 2008, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 25, 2008 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 26, 2008. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw