

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACIE J EADES
Claimant

APPEAL NO. 08A-UI-06507-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BERKLEY INC
Employer

**OC: 06/15/08 R: 01
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Berkley, Inc. filed an appeal from a representative's decision dated July 11, 2008, reference 01, which held that no disqualification would be imposed regarding Stacie Eades' separation from employment. After due notice was issued, a hearing was held by telephone on July 30, 2008. Ms. Eades participated personally. The employer participated by Shelly Krause, Human Resources Director; Carla Jones, Human Resources Office Manager; and Tom Ambrose, Third Shift Supervisor.

ISSUE:

At issue in this matter is whether Ms. Eades was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Eades began working for Berkley, Inc. on September 10, 2007. She was hired to work full time on a temporary basis as a trout line operator. On or about June 9, 2008, Ms. Eades was advised that the temporary job was coming to an end. She was told a position was open on the third shift. She told the supervisor that she did not know if the third shift would work because of child care issues. Her children were ages 10 and 13. She was told she had nothing to lose by trying it. Therefore, she agreed to work on the third shift.

Ms. Eades started work on the third shift on June 16. The hours were from 11:00 p.m. until 7:00 a.m. She worked the shift for two days and then quit because she did not have child care for her ten-year-old. At some point during the two days, Ms. Eades made the employer aware that the shift was not working out for her. Her inability to obtain child care for the overnight shift was the sole reason for leaving the third shift.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Eades left her employment because she did not have child care after she changed work shifts. She accepted the job in October of 2007 with the understanding that it would be temporary. She was to be laid off in June of 2008 as the temporary job was ending. At that point, her separation would have been through no fault of her own.

Ms. Eades was given the opportunity to continue employment with Berkley, Inc. rather than be laid off. However, the continued work was on a different shift. She was led to believe that she could perform the third-shift work on a trial basis. The supervisor's statement that she had nothing to lose by trying the third shift could reasonably be construed as an indication that there would be no negative consequences if she found the new shift did not work out. Had she known otherwise, she might have made a different decision regarding the third shift.

Ms. Eades did try the third shift for two days but found it was not feasible. Given the circumstances under which she accepted the shift change, the administrative law judge concludes that her separation was due to the fact that the temporary work for which she was hired ended. As such, it is concluded that the separation was not a disqualifying event. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated July 11, 2008, reference 01, is hereby affirmed. Ms. Eades was separated from Berkley, Inc. for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs