

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVEN E HARDISTY**  
Claimant

**APPEAL NO: 17A-UI-12123-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACKERMAN INVESTMENT CO**  
Employer

**OC: 10/29/17**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's unemployment insurance decision dated November 17, 2017, reference 01, which denied unemployment insurance benefits, finding that the claimant voluntarily quit work on June 28, 2017 concluding that the quit was not caused by the employer. After due notice was provided, a telephone hearing was held on December 14, 2017. Claimant participated. The employer participated by Mr. Scott Galyen, General Manager.

**ISSUE:**

Whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds: Steven Hardisty was employed by the captioned company dba Best Western Starlight Village Motel from March 21, 2017 until June 20, 2017, when he left work due to dissatisfaction with the number of working hours available to him. Mr. Hardisty was employed as a part-time cook and kitchen prep worker. The claimant's working hours fluctuated with the employer's needs and with Mr. Hardisty's availability to accept work assignments. Claimant was paid \$9.75 per hour.

Mr. Hardisty left his employment on June 20, 2017, anticipation that he could earn more money per hour working construction. Mr. Hardisty was aware at the time of hire that the company attempts to provide as many working hours as possible, however, the hours that are available to the employees are dependent upon both of the needs of the employer and the employee's availability to be scheduled of those days.

During the course of his employment, Mr. Hardisty was assigned to work approximately 30 hours each week until mid-May, 2017, when Mr. Hardisty was less available to work by his efforts to work in the construction field. Mr. Hardisty had explained his intention to look for work in the construction field with Mr. Galyen in the past. Because Mr. Hardisty was not available for work that met with the employer's needs, fewer hours were assigned to Mr. Hardisty during the

final month of his employment. Prior to leaving, the claimant gave a two week notice of intention to quit, citing his work in the construction industry.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 chose to leave his employment with the captioned employer because he desired to work more hours and make more money per hour in the construction industry. Prior to leaving his employment, the claimant had been assigned a relatively consistent number of hours of work each week, but his hours were fewer during the month before his leaving, because the claimant had reduced his availability for work assignments and the employer was unable to schedule the claimant around his limited availability.

For these reasons, the administrative law judge concludes the claimant has not established good cause for leaving attributable to this employer. The claimant's reduced working hours were the result of Mr. Hardisty not being available to accept working hours as he had in the past. Accordingly, the claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

**DECISION:**

The representative's decision dated November 17, 2017, reference 01, is affirmed. Claimant left employment without good cause attributable to the employer. 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 is otherwise eligible.

---

Terry P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

tn/scn