

student throughout the employment. The number of hours Ms. Kaaihue worked per week ranged from 20 to 40. Ms. Kaaihue did not have a set schedule. At the beginning of August, Ms. Kaaihue provided her fall class schedule to Ms. Althaus and Ms. Althaus indicated she would accommodate the schedule. Ms. Kaaihue's fall semester began on August 22, 2005. On August 22, Ms. Kaaihue returned home during a break in her class schedule and reviewed a message from Ms. Althaus. The message indicated that Ms. Kaaihue was scheduled to work that day. Ms. Kaaihue called Ms. Althaus and reminded Ms. Althaus that she had started school and reminded Ms. Althaus of the changes in her availability for work. Ms. Althaus acknowledged that she had forgotten about the change in availability. Ms. Althaus further advised Ms. Kaaihue that since Ms. Althaus had prepared the current schedule without taking into consideration the change in Ms. Kaaihue's availability, Ms. Kaaihue would not have any hours on the schedule. However, Ms. Althaus also advised Ms. Kaaihue that she would see what she could do. Ms. Kaaihue was disappointed with the scheduling error and was concerned that there would be additional similar errors. Ms. Kaaihue decided to quit and prepared a resignation letter, which she took to the store and placed on Ms. Althaus' desk. In the letter, Ms. Kaaihue provided a two-week notice to quit, effective immediately. Ms. Kaaihue had previously advised Ms. Althaus that she would be quitting at the end of the year due to an expected increase in her school course load.

In the weeks leading up to her separation from the employment, Ms. Kaaihue had been undergoing medical testing, which required time away from work, sometimes on short notice. On at least one occasion, Ms. Kaaihue perceived that Ms. Althaus was not happy with the request for time off because Ms. Althaus gave an audible sigh. The store had been functioning on a smaller than usual staff. Ms. Althaus never refused a request from Ms. Kaaihue for time off to attend to medical matters. Ms. Althaus never said anything to Ms. Kaaihue to indicate she disfavored the requests for time off. Ms. Kaaihue's medical issues were not caused or aggravated by the employment. Ms. Kaaihue's quit was not prompted by her medical circumstances. Ms. Kaaihue's doctor had not advised Ms. Kaaihue that she needed to quit the employment.

On August 23, a human resources representative from Quik Trip's corporate office contacted Ms. Kaaihue and advised that the employer was providing Ms. Kaaihue a "medical waiver" of the two-week notice requirement. This was a benefit to Ms. Kaaihue, since the medical waiver would make it possible for Ms. Kaaihue to be compensated for 16.8 hours of accrued vacation benefits without working the two-week notice period. The corporate office did not inform Store Manager Denise Althaus of its contact with Ms. Kaaihue. On August 25, Ms. Althaus contacted Ms. Kaaihue to advise that she had prepared an alternative work schedule for Ms. Kaaihue and to offer Ms. Kaaihue work hours during the two-week notice period. Ms. Kaaihue did not work the hours offered by Ms. Althaus.

According to Workforce Development records, Ms. Kaaihue's weekly benefit amount would be \$216.00 if she were deemed eligible for full benefits. Ms. Kaaihue has not earned the equivalent of ten times her weekly benefit amount since separating from Quik Trip.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the Ms. Kaaihue's voluntary quit was for good cause attributable to the employer. It does not.

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.

The weight of the evidence in the record indicates that Ms. Kaaihue voluntarily quit the employment because she was concerned it would interfere with her school obligations and due to dissatisfaction with the work environment. The reasons for quitting are presumed to be without good cause attributable to the employer. See 871 IAC 24.25(21) and (26).

871 IAC 24.25(38) 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:

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

Ms. Kaaihue was given the opportunity to work during her two-week notice period and, therefore, disqualified for benefits during for that period.

Based on the evidence in the record and application of the appropriate law, the administrative law judge concludes that Ms. Kaaihue's voluntary quit was without good cause attributable to the employer. Accordingly, Ms. Kaaihue is disqualified for benefits based on wages earned from the employment with Quik Trip and that disqualification will continue until Ms. Kaaihue has earned and been paid wages for insured work equal to ten times her weekly benefits amount, provided she is otherwise eligible. Quik Trip's account will not be charged for benefits paid to Ms. Kaaihue.

Since the position Ms. Kaaihue quit was part-time, Ms. Kaaihue might be eligible for reduced benefits based on wages she may have earned from employment other than the employment with Quik Trip. See 871 IAC 24.27. Accordingly, this matter will be remanded for determination of Ms. Kaaihue's eligibility for reduced benefits.

DECISION:

The Agency representative's decision dated September 16, 2005, reference 03, is affirmed. The claimant voluntarily quit the part-time employment without good cause attributable to the employer. The claimant is disqualified for benefits based on wages earned from the employment until she has earned and been paid wages for insured work equal to ten times her

weekly benefits amount, provided she is otherwise eligible. This employer's account will not be charged for benefits paid to Ms. Kaaihue. The matter is remanded for determination of the claimant's eligibility for reduced benefits.

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