

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEY M MCGREGOR
Claimant

APPEAL NO. 06A-UI-11742-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LITTLE ANGEL'S LEARNING CENTER
Employer

OC: 11/05/06 R: 02
Claimant: Respondent (2)

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Little Angel's Learning Center filed an appeal from a representative's decision dated December 5, 2006, reference 01, which held that no disqualification would be imposed regarding Ashley McGregor's separation from employment. After due notice was issued, a hearing was held by telephone on December 21, 2006. The employer participated by Ok Ja Jeun, Director, and Connie Johnson, Teacher/Supervisor. Exhibits One through Five were admitted on the employer's behalf. Ms. McGregor did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. McGregor 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. McGregor began working at the employer's childcare facility on September 28, 2006. She was hired to work full time in the preschool and kindergarten room. She was paid an additional amount per hour to drive school-age children to and from school in the mornings and afternoons. Ms. McGregor worked 40 hours each week.

On October 12, Ms. McGregor notified the employer that she wanted to work only in the preschool room. The employer was agreeable to this and initially told her she would be working from 9:00 a.m. until 6:00 p.m. Ms. McGregor did not like those hours, so it was agreed that she would work from 8:30 a.m. until 5:00 or 5:30 p.m. On October 18, she indicated she was giving two weeks' notice to be effective November 1, 2006. Ms. McGregor was unhappy that her pay was being reduced from \$8.00 per hour to \$7.50 per hour. Her pay was reduced because she was no longer entitled to the extra pay she received for driving the van. Ms. McGregor did not work through her notice period.

Ms. McGregor filed a claim for job insurance benefits effective November 5, 2006. She has received a total of \$450.00 in benefits since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

Ms. McGregor voluntarily quit her employment when she gave two weeks' notice. 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. McGregor quit because her pay was reduced by \$0.50 per hour. However, it was her request that she not perform the driving duties for which she had previously received extra pay. Had she continued to perform the job for which she had been hired, there would have been no change in her pay.

For the above reasons, the administrative law judge concludes that Ms. McGregor did not have good cause attributable to the employer for quitting. Accordingly, benefits are denied. Ms. McGregor has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated December 5, 2006, reference 01, is hereby reversed. Ms. McGregor voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. McGregor has been overpaid \$450.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw