

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANICE K ASK**  
Claimant

**APPEAL NO. 08A-UI-03318-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEYS MARKETING COMPANY**  
Employer

**OC: 02/24/08 R: 02**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving  
Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the April 3, 2008, reference 02, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on April 21, 2008. Claimant participated. Employer participated through Michelle Martin. Claimant's Exhibit A was received.

**ISSUE:**

The issue is whether claimant quit the employment without good cause attributable to the employer or if she was discharged for reasons related to job misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was hired on October 3, 2007 by former assistant manager Mike Roegner to work full time as an assistant manager, which required knowing multiple job duties and long hours on her feet. Martin was also present for the interview and explained to claimant she would be working three to four nights per week and do the books on weekends. Approximately two weeks before the separation, claimant advised Roegner she did not want the assistant manager's position but wanted to work part time during the day without working nights or weekends. She agreed to a wage reduction but Roegner could not find any available hours to meet her schedule limitations. (Claimant's Exhibit A)

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 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.

871 IAC 24.25(18) 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 § 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 § 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:

(18) The claimant left because of a dislike of the shift worked.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

While claimant's decision to quit may have been based upon good personal reasons, she was aware of the hours and shifts when hired and it was her decision to reject that position and opt for fewer hours without working nights and weekends. Those restrictions made it impossible for employer to provide work, thus the separation was effectively initiated by claimant even though Roegner said he had to "let her go." Her decision to decline the job for which she was hired and restrict her hours and shifts to the point where no work was available was a voluntary leaving of the employment without a good-cause reason attributable to the employer. Benefits must be denied.

**DECISION:**

The April 3, 2008, reference 02, decision is affirmed. The claimant voluntarily left her employment without 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 benefit amount, provided she is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs