

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY K KRUGER**  
Claimant

**APPEAL NO: 10A-UI-17582-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DUNCAN HEIGHTS INC**  
Employer

**OC: 11/07/10**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(17) – Daycare Issue

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated December 15, 2010, reference 01, that held she voluntarily quit employment without good cause on November 12, 2010, and benefits are denied. A telephone hearing was held on February 3, 2011. The claimant did not participate. Karen Duregger, Administrator, participated for the employer.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant began work on November 5, 2007 as a part-time residential attendant, and she last worked for the employer on November 7, 2010. As part-time worker, the claimant knew that schedule preference was given to full-time employees, and this includes second shift workers who want to work first shift.

The employer accommodated claimant's request to adjust her work schedule in August 2009 due to going to school. In June 2010, claimant requested she not be a "scheduled" employee, but she would fill-in as needed. The claimant worked on a sparse and sporadic basis in July and August. The claimant worked as a fill-in for eleven days in September, and she did some second shift work in October. Claimant submitted a resignation note to the employer on November 6 effective the 12th that she was quitting due to daycare issues. The employer accepted the resignation.

The claimant elected not to participate when called for the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on November 12, 2010 due to resignation.

The claimant was never guaranteed to work certain days/hours when she requested to be taken off the schedule and work on an as needed basis. While daycare problems is a good personal reason for quitting, it is not attributable to the employer.

**DECISION:**

The department decision dated December 15, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer effective November 12, 2010. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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