

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ABBY L ELLINGSON FOLEY
Claimant

A Y MC DONALD MFG CO
Employer

APPEAL NO. 17A-UI-06243-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/21/17
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 16, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 7, 2017. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 26, 2017. Claimant quit work at that time because she was dissatisfied with the amount of hours required to be worked when she had young children.

Claimant was hired in November of 2015 as a salaried employee. At the time of hire, claimant was told that there would be occasions when she had to work hours over the 40 hours per week amount. She was led to believe that this would be occasional. From the start of claimant's employment, she was asked to work well over 40 hours per week. This continued consistently for the one and a half years she worked for employer.

During annual performance evaluations, employer gave claimant low marks stating that claimant was not making adequate progress on the large projects she'd been assigned. Claimant responded to employer that she was spending all of her time just doing day-to-day assignments and did not have the time to address the long-term assignments. Employer explained that both the short-term and long-term assignments needed to be completed. Claimant asked that employer hire additional workers to ease her work load, but employer refused to do so.

Claimant also stated that the job stress caused her great anxiety. She mentioned that she told employer of this anxiety but did not ever bring a doctor's directive to employer asking that her hours be limited or other actions taken by employer to lessen claimant's stress.

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was not happy with the hours she was required to work. Claimant was hired as a salaried employee and was informed at the time of hire that she would be asked on occasion to work additional hours. The fact that claimant's job regularly required claimant to work hours in excess of 40 per week does not amount to a good cause reason for claimant to terminate her employment. As claimant was required to work additional hours from the beginning of her employment, there was no significant change to the original contract agreed to between the parties that would constitute a good cause reason attributable to employer for claimant's quit.

DECISION:

The decision of the representative dated June 16, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn