

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CORY A LOYD
Claimant

MENARD INC
Employer

APPEAL NO. 14A-UI-08533-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/20/14
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 August 15, 2014, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 8, 2014. Claimant participated. Employer participated by Douglas Yeoman, General Manager and Lindsay Sandifer, Human Resource Coordinator. Exhibits One, A and B were admitted into evidence.

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 July 19, 2014. Claimant worked part time for this employer while attending school. Employer promised claimant that they would work around claimant's schedule. Claimant went to employer to notify them of a schedule change some two months in advance. Employer kept the schedule the same notwithstanding numerous promises to make changes to accommodate the new schedule. Claimant finally called employer and said he quit. Employer then begged claimant to stay saying that the schedule change would be made right there from human resources. Claimant's supervisor later called also to beg him to stay. Claimant was tired of getting jerked around and quit anyway. Continued work was available.

REASONING AND CONCLUSIONS OF LAW:

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 he was in school. Employer did cause claimant grief over the schedule change. However, in the end, the employer came through with a schedule as promised. It was not the ideal circumstance but it did happen. Since employer did accommodate claimant's schedule and continued work was available this is a quit without good cause attributable to employer. Benefits withheld.

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.

Iowa Admin. Code r. 871-24.25(26) 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:

(26) The claimant left to go to school.

DECISION:

The decision of the representative dated August 15, 2014, reference 02, 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.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css