

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRYSTAL N LEWIS
Claimant

APPEAL NO. 10A-UI-14247-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD SAMARITAN SOCIETY
Employer

OC: 08/08/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Krystal Lewis filed an appeal from a representative's decision dated October 14, 2010, reference 01, which denied benefits based on her separation from Good Samaritan Society. After due notice was issued, a hearing was held by telephone on November 30, 2010. Ms. Lewis participated personally. The employer participated by Paula Clark, Director of Nursing, and K. D. Calber, Director of Human Resources.

ISSUE:

At issue in this matter is whether Ms. Lewis was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Lewis began working for Good Samaritan Society in July of 2002 as a CNA. Prior to June 17, 2010, she was assigned to work in Building 3. She was guaranteed 29 hours per week and also had the opportunity to pick up additional hours substituting for others. On June 17, she was advised that she would be moved to Building 2 as of June 21. She would still have 29 hours of scheduled work per week. There was no change in her work schedule or pay as a result of the move. She also had the opportunity to pick up additional hours in Building 2, but the additional hours could not be worked in Building 3.

Ms. Lewis was unhappy with the building change because she did not believe she could pick up as many additional hours in Building 2 as she had in Building 3. On July 3, she notified the scheduler that she wanted to be moved to a weekend position that was available. The weekend position provided 12 hours of work on alternate weekends (Saturday and Sunday). Ms. Lewis picked up additional hours in Building 2 on July 9, 10, and 12. On July 14, she gave two weeks' notice that she was quitting. She was next scheduled to work July 17 and 18. She worked on July 17 but called in ill on July 18. Ms. Lewis' quit was effective prior to when she would have been next scheduled to work, July 31. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily 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. Lewis quit her job because she was unhappy with the number of hours she was given. The employer continued to provide her with 29 hours of scheduled work in Building 2, the same as she had in Building 3. There had never been a guarantee that she would be able to pick up additional hours. Moreover, she did pick up additional hours after she was moved to Building 2. She picked up a total of 15 hours on July 9, 10, and 12.

Inasmuch as the employer was not obligated to provide Ms. Lewis with more than 29 hours of work per week, the fact that she may not have been able to pick up as many additional hours as she liked did not constitute good cause attributable to the employer for quitting. Furthermore, she voluntarily reduced her schedule from 29 hours per week to 12 hours on alternate weekends. It was after she reduced her schedule that she announced that she was quitting. The evidence of record does not establish any good cause attributable to the employer for the separation. As such, benefits are denied.

Ms. Lewis did not have other employment when she gave notice and when she left Good Samaritan Society. Therefore, she did not leave in good faith for the sole purpose of accepting other employment. Moreover, she had not performed services in any new employment when she filed her claim for job insurance benefits effective August 8, 2010. For the above reasons, she is not entitled to benefits under Iowa Code section 96.5(1)a.

DECISION:

The representative's decision dated October 14, 2010, reference 01, is hereby affirmed. Ms. Lewis voluntarily quit her employment with Good Samaritan Society for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw