

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICTORIA RANDOLPH**  
Claimant

**APPEAL NO: 12A-UI-03167-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA DEPARTMENT OF HUMAN SVCS**  
Employer

**OC: 02/12/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Victoria Randolph (claimant) appealed an unemployment insurance decision dated March 29, 2012, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with the Iowa Department of Human Services (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 11, 2012. The claimant participated in the hearing. The employer participated through Jaili Cunningham, Manager; Jill Bieranowski, Income Maintenance Supervisor; and David Williams, Employer Representative. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on December 16, 2010 as a full-time income maintenance worker. Her job offer read as follows: "Your work hours will be 8:00 a.m. to 4:30 p.m. during the training period. After that, your assigned work hours will be 9:30 a.m. to 6:00 p.m. unless management communicates a change so IMCSC (Income Maintenance Customer Service Center) has full coverage from 7:00 a.m. to 6:00 p.m." Training was expected to last at least six months but the claimant did not immediately start training and was temporarily assigned to work in the centralized facility eligibility unit at the 8:00 a.m. start time. The claimant was transferred back into her department in approximately June 2011 and began training with a group of employees who started in October 2011. She remained at the 8:00 a.m. start time and would still be working at that start time if she had not voluntarily quit on January 31, 2012.

The claimant's daycare provider would not provide care beyond 5:30 p.m. and the claimant was told by a co-worker that she would begin working the 9:30 a.m. shift in February. She never verified this with management who could have told her they did not have a date that she would

start the late shift because it was unknown. The claimant had the opportunity to earn some income providing childcare while she was looking for a job so she put in her notice on January 20, 2012 with an effective date of February 2, 2012. She stopped working as of January 31, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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(19) 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:

(19) The claimant left to enter self-employment.

The claimant voluntarily quit on January 31, 2012 because she anticipated she would not have child care when she was done with training and her hours changed to a 9:30 a.m. start time. She did have child care coverage for the hours she was working at the time she quit but wanted to begin watching children in her own home to earn some money while she looked for other work.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated March 29, 2012, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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