

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KARISSA S KARR
Claimant

CLEARVIEW HOMES
Employer

APPEAL 15A-UI-00093-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/07/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 30, 2014, (reference 01) unemployment insurance decision that denied benefits based upon the claimant's separation. The parties were properly notified about the hearing. A telephone hearing was held on January 28, 2015. The claimant participated. The employer participated through Julie Routh. Joe Routh also attended. Employer Exhibits One through Three were received.

ISSUE:

Did the claimant voluntarily quit with good cause attributable to her employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a CNA and was separated from employment on December 11, 2014, when she resigned without notice. Continuing work was available.

On December 10, 2014, the claimant saw her schedule for December 14 through 28, and noticed she was not scheduled full time. No one told the claimant she was being moved to part-time work, and the schedule had never shown a reduction in shifts before. The claimant talked to LuAnn, who was relatively new, and who had compiled the schedule. The claimant assumed she would not be able to get her usual shifts based on the discussion with LuAnn, and quit the following day, without notice. When the owner, Julie Routh, learned of the claimant's resignation and frustration with the hours, she checked the schedule and saw there had been an error in the schedules. She called the claimant that day and the following day, asking the claimant to call her back because there had been an error on the schedule and she could fix it. The claimant never called back.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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(21) 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 section 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 section 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:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant clearly demonstrated her intent to end employment when calling her employer to resign and refusing to discuss employment upon the owner's call to her regarding her resignation.

In this case, the claimant had been employed for nearly ten years and had an existing relationship with Julie Routh, who was the owner and oversaw the schedule. The claimant acknowledged there had not been scheduling errors in the past and no one told her she had been moved to part-time work. Although understandably alarmed that the schedule did not have full-time hours, the claimant could have preserved her employment by simply talking with the owner, Mrs. Routh, about the hours, who reached out to her immediately upon learning of the clerical error. Mrs. Routh acknowledged there was a scheduling error and offered to add shifts to the existing schedule to correct the error. The claimant never called her back or returned to work.

The claimant's decision to quit without notice because she was upset about the scheduling error and refused to discuss it with the employer was not for a good cause reason attributable to the employer. Benefits are denied.

DECISION:

The December 30, 2014, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/pjs