

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HALEY F GRUVER
Claimant

APPEAL NO: 13A-UI-04669-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 03/24/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 11, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Treve Lumsden represented the employer. Joy Winkowitsch, the dining room service manager, Rachel Pilcher and Jon Hougen, the administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

In November 2011, the claimant started working as a full-time cook and dietary aide. During her employment, she requested and was granted a leave of absence when her child had surgery.

In late February and early March 2013, the employer was in the process of training new employees and hiring new employees to work in the kitchen. The claimant was training a new cook. In early March, Winkowitsch understood the claimant wanted reduced hours during the summer. The claimant, however, wanted her hours reduced as soon as possible because she was having some issues with her son. The claimant needed her hours reduced for a couple of weeks.

The first two weeks in March claimant worked the hours she was scheduled to work. When the new schedule was posted, the claimant's hours were not reduced. The claimant was so mad and upset that her hours were not reduced on the new schedule that she did not return to work after March 15, 2013.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit her employment by abandoning it when she did not return to work after March 15, 2013, even though she was scheduled to work. When a claimant quits, she has the burden to establish she quits for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant's testimony that she asked Hougen to temporarily reduce her hours in early March is not credible. Since the claimant previously requested and was granted a leave of absence, she knew or should have known she could have requested a leave of absence. She did not explore this possibility, and blamed the employer for not mentioning a leave of absence. The claimant's testimony is also not credible because she asserted that when she made her request for reduced hours; she really only needed her hours reduced for a couple of weeks. When the claimant abandoned her employment after March 16, she had already worked the two weeks she needed her hours reduced. If the claimant wanted her hours reduced immediately, she did not effectively communicate this to Winkowitsch.

The claimant quit her employment for reasons that do not qualify her to receive benefits. As of March 24, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's April 11, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit her employment on March 16, 2013, for reasons that do not qualify her to receive benefits. As of March 24, 2013, the claimant is disqualified from receiving unemployment insurance benefits until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css