

On July 18, 2005, another guard, Charles Loop, approached the claimant and asked if he would switch hours and work Thursdays and Friday. A new guard had been hired who wanted to work Mondays and Tuesdays. The claimant declined, saying that he had to take chemotherapy on Thursdays and Fridays and would not be able to perform his job duties on those days. Mr. Belseth was under the mistaken impression Mr. Loop was an assistant supervisor, but this was not true.

The claimant went to Office Manager Mary Ellen Smith that day and submitted a verbal resignation with a two-week notice. The next day Supervisor Trace Kendig called the claimant because he was making out the schedule. At that time the claimant informed the supervisor he had already given a resignation to Mr. Loop and Ms. Smith. Mr. Kendig said the company did not want him to quit and that Mr. Loop was not an assistant supervisor and had no authority to change his hours. Mr. Belseth did not revoke his resignation, but elected affirm it.

Eugene Belseth filed a claim for unemployment benefits with an effective date of August 14, 2005. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

Iowa Code section 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.

The claimant resigned because he thought his work hours were being changed. This was based solely on his mistaken impression that Mr. Loop was a supervisor, but he had not been told this by anyone, he merely made an assumption because Mr. Loop had a piece of paper in his hand to which he kept referring. At no time did Mr. Loop tell him his hours were definitely being changed and he had to work the new hours.

Instead of confirming Mr. Loop's status and whether he had the authority to make changes in his hours, Mr. Belseth elected to resign. He affirmed this decision even after Mr. Kendig, a man he knew to be a supervisor, assured him his hours were not being changed, that Mr. Loop did not have the authority to change them, and that the company did not want him to quit.

The record does not establish the claimant had good cause attributable to the employer for quitting, and he is disqualified.

DECISION:

The representative's decision of October 3, 2005, reference 01, is reversed. Eugene Belseth is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount provided he is otherwise eligible.

bgh/kjw