

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ONIA M HAMILTON**  
Claimant

**APPEAL NO. 07A-UI-11131-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REM IOWA COMMUNITY SERVICES INC**  
Employer

**OC: 08/19/07 R: 12  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Onia Hamilton filed an appeal from a representative's decision dated November 29, 2007, reference 02, which denied benefits based upon her separation from REM Iowa Community Services, Inc. After due notice was issued, a hearing was held by telephone on December 17, 2007. Ms. Hamilton participated personally. Although notified, the employer failed to respond to the hearing notice and did not participate.

**ISSUE:**

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from July 9, 2007 until October 29, 2007 when she voluntarily quit employment. Ms. Hamilton held the position of residential counselor. The claimant quit employment because the working hours available to her were insufficient to meet her financial needs. The claimant had elected on August 24, 2007 to accept an "on-call" position with the organization which guaranteed no minimum number of working hours or pay. At the time of the claimant's leaving she was assigned to the same hours and wages under the "on-call" agreement. Work continued to be available to Ms. Hamilton in her "on-call" status at the time that she chose to leave.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge in this case is whether the claimant has established good cause for quitting her employment for reasons that are attributable to the employer. She has not. The evidence in the record establishes that the claimant chose to accept an "on-call" status with REM Iowa Community Services, Inc. in August 2007. In her "on-call" status the claimant was not guaranteed any minimum number of working hours or pay each week. Work continued to be available to the claimant in the same "on-call" status with respect to hours and wages at the time that she chose to leave employment.

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.

For the reasons stated herein, the administrative law judge concludes that the claimant left her employment under disqualifying conditions. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated November 29, 2007, reference 02, is hereby affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided she is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

pjs/pjs