

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHANTELL M VIOLETT**  
Claimant

**APPEAL NO. 09A-UI-10133-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NURSE FORCE INC**  
Employer

**Original Claim: 05/31/09  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Chantell Violettt filed a timely appeal from a representative's decision dated July 7, 2009, reference 01, that held the claimant not eligible to receive unemployment insurance benefits. After due notice was issued, a telephone hearing was scheduled for and held on July 31, 2009. Ms. Violettt participated personally. The employer participated by Ms. Terry Stanley, chief financial officer/human resource officer, and Nicole Beem, staffing coordinator.

**ISSUE:**

At issue is whether the claimant voluntarily quit work for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered the evidence in the record, finds: Chantell Violettt was employed as a part-time home health worker for Nurse Force, Inc. from February 6, 2008, until July 18, 2008. Ms. Violettt was paid by the hour. Her immediate supervisor was the company's staffing coordinator, Nicole Beem.

On May 29, 2008, Ms. Violettt contacted Nurse Force, Inc., requesting a replacement be assigned to the regular client where Ms. Violettt had been performing services. The claimant's niece had become unexpectedly and terminally ill and the claimant, understandably, wished to spend time with her niece who was hospitalized. The employer accommodated the claimant's request and supplied a replacement home health worker. Approximately two weeks later, Ms. Violettt indicated that she desired additional assignments but limited the assignments that she would accept. The claimant was not willing to work weekends, evenings, or holidays, and rejected a number of offers of work that were otherwise offered to her.

Because of the limitations that Ms. Violettt had imposed on the times that she would be available for work, her limitations precluded a number of assignments that otherwise would have been available to her. Although the company's "opens list" was available at the employer's office, the claimant did not come in to avail herself of potential open assignments that might have become available on short notice.

Although the claimant had been guaranteed no minimum number of working hours as a part-time employer, Ms. Violett felt that the hours being given to her by the company were not sufficient and she discontinued the employment relationship.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer.

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.

In this matter, the evidence establishes that the claimant had been regularly assigned to a client or clients but that because of Ms. Violett's personal request, she was removed from the assignment so that she could spend time with her niece who was terminally ill. The evidence further establishes that, subsequently, Ms. Violett imposed a number of limitations on assignments that she would accept, which resulted in the claimant being precluded from a number of assignments that otherwise may have been available to her. The evidence in the record also establishes that Ms. Violett did not accept some assignments that were offered and did not avail herself of the company's "opens list" to attempt to secure assignments that became available without advance notice. The administrative law judge also notes that as a part-time employee, the claimant was not guaranteed any minimum number of working hours each week.

While Ms. Violett's reasons for leaving employment were undoubtedly good from her personal viewpoint, the claimant has not established good cause attributable to the employer based upon the circumstances of this case. Benefits are withheld.

### **DECISION:**

The representative's decision dated July 7, 2009, reference 01, is affirmed. The claimant voluntarily quit employment without good cause 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 her 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

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