

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT H TOBIN
Claimant

APPEAL NO. 11A-UI-10732-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROSS HOLDINGS LLC
Employer

OC: 01/09/11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 4, 2011 determination (reference 03) that amended reference 01 and disqualified him from receiving benefits because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. (Note: Reference 01 and 03 are identical. As a result, reference 03 did not amend reference 01, but instead gave the claimant an opportunity to file a timely appeal.)

The claimant participated in the hearing. Diana Roberts, the corporate office manager, 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 his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in late April 2007. He worked part-time, 10 to 20 hours a week, as a telephone representative. The claimant was going to school when he started working part-time for the employer.

Even though the claimant was scheduled to work 20 hours, his school schedule did not allow him to work 20 hours, instead he worked about 15 hours a week. The employer had flexible hours and worked with the claimant and his school schedule. After the employer reduced the hours at the location the claimant worked, the claimant found it increasingly difficult to work 15 hours a week. The claimant understood his supervisor really wanted him to work more hours when he worked. So, instead of working two hours at a time, his supervisor wanted him to work four hours at a time. The claimant resigned on October 5, 2010, because he could not work the hours the employer wanted him to work and still go to school.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). The law presumes a claimant quits without good cause when he leaves because of school. 871 IAC 25(26).

The claimant established personal reasons for quitting, but these reasons do not qualify him to receive benefits. As of October 5, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's August 4, 2011 determination (reference 03) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 5, 2010. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw