

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEANNA L HERLEIN
Claimant

APPEAL NO. 09A-UI-03717-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**“PARCO LTD
“WENDY’S OLD FASHIONED
HAMBURGERS**
Employer

**OC: 02/08/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative’s decision dated March 9, 2009, reference 02, which denied benefits based upon her separation from Parco LTD. After due notice, a telephone hearing was scheduled for and held on April 2, 2009. The claimant participated personally. The employer participated by Mr. Bill Hermanson, General Manager.

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 as a part-time cashier for this employer from April 12, 2008 until December 8, 2008 when she voluntarily left employment due to dissatisfaction with working hours.

The claimant was hired as a part-time fast food worker for the captioned company and was guaranteed no minimum hours of work per week as a part-time employee. Because of other part-time employment and a school schedule, Ms. Herlein requested that her working schedule be adjusted so it did not conflict with her other personal obligations. Because of the limitations and the claimant’s availability for work, the employer was not able to schedule Ms. Herlein as many hours each week. The claimant left her employment to seek other employment that offered more working hours.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

The evidence in the record shows that the claimant was hired as a part-time worker and guaranteed no minimum number of working hours each week. Based upon a request made by

the claimant to alter her working schedule because of other employment and school obligations, the employer was not able to schedule the claimant as often as they had in the past. When the employer was unable to give the claimant additional working hours based upon the limitations that she had imposed on her availability, the claimant decided to look for other work.

While the claimant's reasons for leaving were sound from a personal viewpoint, they were not attributable to the employer. The claimant knew that she was guaranteed no minimum number of hours each week and the claimant's limitations on her availability had reduced the number of hours that the employer was able to schedule the claimant.

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 the claimant voluntarily quit employment without good cause attributable to the employer. Benefits are withheld.

DECISION:

The representative's decision dated March 9, 2009, reference 02, is affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. The claimant is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided that she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs