

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NEHEMIAH E HARGROVE**  
Claimant

**APPEAL NO. 12A-UI-10606-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**P J IOWA LC**  
Employer

**OC: 07/22/12**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated August 28, 2012, reference 04, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on October 1, 2012. The claimant participated personally. Although duly notified, the employer did not participate.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Nehemiah Hargrove was employed by the captioned employer, doing business as Papa John's, from October 2011 until May 12, 2012 when he voluntarily left employment. Mr. Hargrove worked as a part-time delivery driver and was not guaranteed any minimum number of working hours each week. The claimant was paid by the hour. His immediate supervisor was Dan Tagerini.

Mr. Hargrove left his employment on May 12, 2012, providing a two-week notice to his employer. The claimant had not been scheduled to work for the following week and had previously arranged to take the next following week off of work for a trip out of town. Mr. Hargrove used these two weeks as the notice period.

The claimant left his employment because he could not afford repairs to his automobile that he used for making deliveries and because he was dissatisfied because additional working hours were not available to him. Mr. Hargrove understood at the time of hire that the position was part time with no guarantee of any minimum number of hours each week.

**REASONING AND CONCLUSIONS OF LAW:**

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

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 evidence in the record shows that Mr. Hargrove left his employment because of dissatisfaction with the number of working hours he was receiving and because he could not afford to repair his personal automobile that was used to make deliveries in his position as a delivery driver. The claimant was aware at the time of hire that he was being hired on a part-time basis and there was no guarantee as to any minimum number of working hours that would be made available to him each week. Although the claimant used his personal vehicle making deliveries, it was nonetheless Mr. Hargrove's responsibility to keep the automobile in repair.

While Mr. Hargrove's reasons for leaving employment were undoubtedly good from his personal viewpoint, they were not good-cause reasons attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated August 28, 2012, reference 04, is affirmed. The claimant left 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 his weekly benefit amount and 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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