

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROCHELLE L OZMAN-NAGLE
Claimant

APPEAL NO. 06A-UI-11730-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OTTUMWA DEVELOPMENTS INC
Employer

**OC: 11/05/06 R: 03
Claimant: Appellant (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Rochelle Ozman-Nagle filed an appeal from a representative's decision dated December 8, 2006, reference 03, which denied benefits based on her separation from Ottumwa Developments, Inc. After due notice was issued, a hearing was held by telephone on December 21, 2006. Ms. Ozman-Nagle participated personally. The employer responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing. The administrative law judge made two attempts to contact the employer at the telephone number provided and allowed the line to ring at least ten times on each attempt. There was no answer at the employer's number.

ISSUE:

At issue in this matter is whether Ms. Ozman-Nagle was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Ozman-Nagle was employed by Ottumwa Developments, Inc., doing business as Ottumwa Manor, from December 31, 2005 until October 7, 2006. She was employed full time as an LPN. She usually worked second shift and occasionally worked third shift. On or about October 3, she was advised that she was being reassigned to the third shift. Ms. Ozman-Nagle indicated she could not work third shift because of problems with anxiety and because of her medications. She had previously notified the employer of her inability to work third shift due to health issues. She was told on October 3 that third shift was her only option. Ms. Ozman-Nagle indicated she would remain in the employment and work third shift until she found other employment.

Ms. Ozman-Nagle reported to work on the third shift on October 6. She found that a replacement nurse was there. The nurse advised her that the employer did not think Ms. Ozman-Nagle would be there. Ms. Ozman-Nagle checked the work schedule for the following week and found that her name was not on it. She left the workplace after working approximately two hours. She did not have other employment when she left.

REASONING AND CONCLUSIONS OF LAW:

Ms. Ozman-Nagle quit her employment rather than work the new hours required by the employer. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Ozman-Nagle quit because of the change in her hours. She notified her supervisor that she would work the new schedule but would be looking for work elsewhere due to the schedule change. This constituted notice to the employer that Ms. Ozman-Nagle intended to quit over the change. She was not offered a return to her former shift.

Ms. Ozman-Nagle had put the employer on notice prior to October that she could not work third shift because of medical issues. The employer changed her work schedule to the third shift in spite of this prior notice. Given the health issues, the administrative law judge concludes that the change constituted a detrimental working condition. Therefore, Ms. Ozman-Nagle had good cause attributable to the employer for quitting. See 871 IAC 24.26(4). Accordingly, benefits are allowed.

DECISION:

The representative's decision dated December 8, 2006, reference 03, is hereby reversed. Ms. Ozman-Nagle quit her employment for good cause attributable to the employer. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw