

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACEY I WOODS

Claimant

APPEAL NO. 08A-UI-07222-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RANDY R ROBINSON PC

RANDY R ROBINSON MD

Employer

**OC: 06/29/08 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Tracey Woods filed an appeal from a representative's decision dated July 29, 2008, reference 01, which denied benefits based upon her separation from Randy Robinson, P.C. After due notice was issued, a hearing was held by telephone on August 25, 2008. Ms. Woods participated personally. The employer participated by Randy Robinson, P.C., Owner.

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 for this employer from January 17, 2007 until June 30, 2008 when she voluntarily left employment. Ms. Woods was employed as a full-time front desk receptionist and was paid by the hour. Her immediate supervisor was Ms. Pat Torode.

Ms. Woods left her employment with the captioned medical practice on June 30, 2008 although work continued to be available to her through July 9, 2008. On June 25, 2008, Dr. Robinson informed the claimant that because a physician's assistant was leaving the practice the claimant's employment would come to an end effective July 10, 2008, the day that coincided with the physician's assistant's leaving. The claimant was also informed at that time that if she needed any "time off" for interviews or to make other personal arrangements that day or any day in the future that that time would be available to her. The claimant indicated that she would be leaving the employment at the of the next pay cycle, June 30, 2008.

REASONING AND CONCLUSIONS OF LAW:

The question in this case is whether the evidence establishes that the claimant quit for good cause attributable to the employer on June 30, 2008. It does not. The evidence in the record establishes that the claimant was informed on June 25, 2008 that work would continue to be available to her until July 10, 2008, the effective date of the leaving of the physician's assistant.

Ms. Woods was informed, however at that time, that if she needed "time off" that day or any other day through July 9, 2008 that that time would be available to the claimant for job interviews or other personal matters. The reasonable interpretation of the employer's statement leads to the conclusion that work continued to be available to the claimant through July 9, 2008 and if some intermittent time off was needed by the claimant to look for a new job, etcetera, that time would be made available by the employer.

The claimant chose to end the employment relationship at the end of the next pay cycle on June 30, 2008, while work continued to be available to the claimant. Although sympathetic to the claimant's situation, the administrative law judge must conclude based upon the evidence in the record that the claimant knew or should have known that work continued to be available to her through July 9, 2008. The claimant's leaving employment while work continued to be available to her in anticipation of a future layoff was 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.

For the reasons stated herein, the administrative law judge concludes that the claimant voluntarily left employment June 30, 2008 for reasons that were not attributable to the employer at that time.

DECISION:

The representative's decision dated July 29, 2008, reference 01, is hereby affirmed. Claimant voluntarily left employment for reasons not 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 claimant's weekly benefit amount, provide that she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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