

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAD J PETERSEN
Claimant

APPEAL NO. 11A-UI-08168-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALORICA
Employer

**OC: 11/21/10
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Brad Petersen filed an appeal from a representative's decision dated June 10, 2011, reference 02, which denied benefits based on his separation from Alorica. After due notice was issued, a hearing was held by telephone on July 14, 2011. Mr. Petersen participated personally. The employer participated by Christopher Delfosse, Human Resources.

ISSUE:

At issue in this matter is whether Mr. Petersen was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Petersen began working for Alorica on April 4, 2011. He was hired to work full time as a telephone sales representative. He was under the impression he would be working 40 hours each week. He quit the employment because he was not receiving 40 hours each week.

The number of hours Mr. Petersen worked varied from week to week. He was sent home on some occasions when there was not enough work. He was not paid for the time he missed by being sent home. The most hours he worked in any given week was 32 and the least was 22. He worked 22 hours his second week of employment. He worked 25 hours during the payroll week ending April 18 and 32 hours during the week ending April 25. He worked a total of 18 hours between May 2 and May 4. He was not scheduled to work on May 5 and 6 and believed he would have worked a total of 26 hours for the calendar week ending May 7. He advised the employer he was quitting on May 5.

Approximately one week before his separation, Mr. Petersen spoke to his program manager concerning the reduction in hours. He was told the employer was pursuing other work but could not give a time frame by which his hours might increase. He was given the same response when he questioned human resources about hours on May 4. Continued work would have been available if Mr. Petersen had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code § 96.5(1). Mr. Petersen quit because he was not receiving what he felt were full-time hours. The parties agree that there were times when call volume did not require full staffing, causing workers to be sent home. The employer was not aware that Mr. Petersen was unhappy with his hours until approximately one week before he quit.

The administrative law judge concludes that the employer was not allowed a reasonable opportunity to provide Mr. Petersen with additional hours. He knew the employer was attempting to obtain additional work that would provide additional hours. One week is not enough time to determine if additional work would materialize as a result of the employer's efforts. Inasmuch as the employer was not given a full and fair opportunity to correct the problem that was causing him to quit, it is concluded that Mr. Petersen's separation was without good cause attributable to the employer. As such, benefits are denied.

DECISION:

The representative's decision dated June 10, 2011, reference 02, is hereby affirmed. Mr. Petersen quit his employment with Alorica for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs