

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**PAT J CAPION**  
Claimant

**KWIK TRIP INC**  
Employer

**APPEAL NO. 15A-UI-11718-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/20/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 16, 2015, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 4, 2015. Claimant participated. Employer participated by Donna Kosovic. Claimant's Exhibits A-B and Employer's Exhibit 1 were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 13, 2015. Claimant quit her employment on January 14, 2015.

Claimant had been hired to work for employer in September, 2014. Claimant stated that she had open availability on her job application. Employer asked claimant in January, 2015 to work second shift hours. Claimant had new family circumstances that did not allow her to work second shift hours. As employer did not have shifts available that fit into claimant's new needs, claimant chose to quit her employment.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she would not be able to properly attend to her new family situation because of shifts she'd been asked to work. Claimant did not request some time off to coordinate her new family responsibilities, nor did claimant take the time to explain to employer her desires to work day shifts in the future. Claimant simply made a request for immediate shift adjustment which was not able to be accommodated by employer, so claimant quit.

**DECISION:**

The decision of the representative dated October 16, 2015, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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