

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUDY JOVANOVIC
Claimant

APPEAL NO. 08A-UI-11314-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOLDEN CORRAL
Employer

**OC: 06/01/08 R: 01
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Rudy Jovanovic, filed an appeal from a decision dated December 1, 2008, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 16, 2008. The claimant participated on his own behalf. The employer, Golden Corral, participated by General Manager John Burkhart.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Rudy Jovanovic was employed by Golden Corral from October 15 until October 28, 2008 as a full-time dishwasher/utility worker. At the time of hire, the claimant did tell General Manager John Burkhart he had another job but that he would also like to be scheduled as many hours as possible at Golden Corral.

On October 26, 2008, trainers were in the restaurant to train employees in their jobs according to company requirements. The claimant had been instructed by one of the trainers to perform a job and he said he had to leave to go to his other job. The trainer said this job was his first priority, and the claimant said he was not going to put up with it and left. He was no-call/no-show to work on October 27, 2008; and when Mr. Burkhart called him on October 28, 2008, to find out why he had not been at work, the claimant said he had quit because he did not like to work there.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(27) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(27) The claimant left rather than perform the assigned work as instructed.

The claimant quit because he did not want to perform the work as instructed. He felt his other job had priority over the one at Golden Corral, even though he had asked to be scheduled as many hours as possible. His decision to leave this job in order to give priority to his other job does not constitute good cause attributable to the employer and he is disqualified.

DECISION:

The representative's decision of December 1, 2008, reference 03, is affirmed. Rudy Jovanovic is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw