

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY M MALONE
Claimant

APPEAL NO. 09A-UI-14580-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HENNIGES AUTOMOTIVE KEOKUK LLC
Employer

OC: 07/05/09
Claimant: Appellant (1)

Section 96.5(1) - Quit

STATEMENT OF THE CASE:

The claimant, Amy Malone, filed an appeal from a decision dated September 22, 2009, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 27, 2009. The claimant participated on her own behalf. The employer, Henniges Automotive, did not provide a telephone number where he could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Amy Malone was employed by Henniges Automotive from March 3, 2008 until August 14, 2009 as a full-time production worker. She was initially laid off in December 2008 and not recalled for several months. During that time she requested, and was granted, department approved training to enter a nursing program through the local community college. After she was approved she was recalled to work at Henniges Automotive, but then submitted her resignation in order to begin her schooling.

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(26) 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:

(26) The claimant left to go to school.

The claimant quit in order to begin her schooling for a nursing degree. Continuing work was still available to her had she not resigned. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of September 22, 2009, reference 03, is affirmed. Amy Malone is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount ,provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css