

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIAH K DANIELS**

Claimant

**APPEAL NO: 17A-UI-09198-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**OC: 08/13/17**

**Claimant: Appellant (1)**

Section 96.5-2-1 – Voluntary Leaving  
871 IAC 24.25(26) – Left to Attend School

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the August 29, 2017, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 26, 2017. The claimant participated in the hearing. Janelle Balcom, Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment to attend school full-time.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time member host for Wal-Mart from September 1, 2016 to July 16, 2017. She verbally gave the employer a two-week resignation notice July 2, 2017, effective July 16, 2017. She voluntarily left her position to go to school as a full-time student. The employer had continuing work available for her.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment to start school as a full-time student and is therefore not eligible to receive unemployment insurance benefits.

Iowa Admin. Code r. 871-24.25(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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intent to leave employment was evidenced by her words and actions. She gave the employer her verbal resignation notice and left her job to attend school as a full-time student. When a claimant quits work to attend school, her leaving is without good cause attributable to the employer. Therefore, benefits must be denied.

**DECISION:**

The August 29, 2017, reference 01, decision is affirmed. The claimant voluntarily left her employment to go to school as a full-time student. Benefits are denied, until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn