

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN P SIPRUT
Claimant

APPEAL NO. 09A-UI-05535-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PALMER COMPANIES INC
PALMER CONSULTING**
Employer

**OC: 03/08/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Dawn Siprut filed a timely appeal from a representative's decision dated April 3, 2009, reference 01, which denied benefits based upon her separation from Palmer Consulting. After due notice, a telephone conference hearing was scheduled for and held on May 5, 2009. The claimant participated personally. The employer participated by Tammy Sanders, Director of Staffing.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses and having considered all of the evidence in the record, finds: The claimant was employed as a staffing specialist for Palmer Consulting from September 2004 until September 29, 2008 when she voluntarily left work to enter into self-employment. Ms. Siprut was most recently assigned to work as a part-time staffing specialist at MidAmerican Energy Company.

The claimant left her employment with Palmer Consulting on September 29, 2008 to accept an offer to become an independent contractor with MidAmerican Energy Company. Work continued to be available to the claimant at Palmer Consulting at the time that she chose to leave.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Siprut left her employment with Palmer Consulting with good cause attributable to the employer. It does not.

The evidence in the record establishes that the claimant left her employment with Palmer Consulting for personal reasons. The claimant desired to enter into self-employment and perform contractual services for MidAmerican Energy Company. Work continued to be

available to Ms. Siprut with Palmer Consulting at the time that she chose to leave her employment.

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 24.23(7) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(7) Where an individual devotes time and effort to becoming self-employed.

For the reasons stated herein the administrative law judge concludes that the claimant voluntarily left her employment with Palmer Consulting for reasons not attributable to the employer. Benefits are withheld.

DECISION:

The representative's decision dated April 3, 2009, reference 01, is affirmed. Dawn Siprut is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided that she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

css/css