

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW C GRASSO
Claimant

APPEAL NO. 12A-UI-05651-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEEF PRODUCTS INC
Employer

OC: 10/23/11
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Beef Products, Inc. filed a timely appeal from an unemployment insurance decision dated May 9, 2012, reference 04, that allowed benefits to Matthew C. Grasso. After due notice was issued, a telephone hearing was held July 11, 2012 with Jennifer Stubbs participating for the employer. Exhibit One was admitted into evidence. The claimant did not provide a telephone number at which he could be contacted. The administrative law judge takes official notice of agency benefit payment records.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Matthew C. Grasso was a production worker for Beef Products, Inc. from July 20, 2010 until he resigned January 6, 2012 to return to school. Further work was available had he not resigned.

REASONING AND CONCLUSIONS OF LAW:

The question is not whether the claimant had good personal cause to leave employment but whether the reason constituted good cause attributable to the employer.

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.

An individual who resigns in order to return to school is considered to have left work voluntarily without good cause attributable to the employer. See 871 IAC 24.25(26). The evidence in this record establishes that the separation from employment occurred under circumstances

contemplated by this rule. The administrative law judge notes that the claimant has not requested or received unemployment insurance benefits since this separation.

DECISION:

The unemployment insurance decision dated May 9, 2012, reference 04, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs