

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY J PEARSON**  
Claimant

**APPEAL NO. 12A-UI-11956-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 09/02/12**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Kimberly Pearson filed a timely appeal from the September 24, 2012, reference 01, decision that denied benefits based on an agency conclusion that she had voluntarily quit her employment with Casey's on August 16, 2012 without good cause attributable to the employer. After due notice was issued, a hearing was held on October 30, 2012. Ms. Pearson participated. Dollie Horn represented the employer. Exhibits One and Two were received into evidence.

**ISSUE:**

Whether Ms. Pearson's voluntary quit was for good cause attributable to the employer. It was not.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Kimberly Pearson was employed by the Casey's in Fremont from 2005 until August 16, 2012, when she voluntarily quit to attend school at Indian Hills Community College in Ottumwa. Ottumwa is about 15 miles from Fremont. Ms. Pearson did not have any other employment while she worked for Casey's. Ms. Pearson's employment with Casey's was part time. Two to three times a week, Ms. Pearson worked the donut maker shift, 3:30 or 4:00 a.m. to 8:00 a.m. Two to four times a week, Ms. Pearson would work the lunch shift, 10:00 a.m. to 2:00 p.m. Dollie Horn, Store Manager, was Ms. Pearson's immediate supervisor.

Toward the end of July 2012, Ms. Pearson notified Ms. Horn that she was going to start classes at Indian Hills in August 2012. Ms. Pearson provided Ms. Horn with a copy of her class schedule. Ms. Pearson would need to appear for a class that started at 8:00 a.m. every other day. Ms. Pearson would have another class that met every day at 10:00 a.m. Ms. Pearson would then have to remain in classes until 3:00 p.m. or later. The class schedule would make Ms. Pearson completely unavailable for her 10:00 a.m. to 2:00 p.m. shift, would necessitate her early departure from the donut maker shift, and would most likely make her unavailable for all but weekend work. Ms. Pearson and Ms. Horn discussed that the class schedule was in conflict with Ms. Pearson's established work hours and the employer's business needs and that

Ms. Pearson would need to make a decision about whether she want to continue with work or choose school instead. At no point did Ms. Horn suggest that she was about to fire Ms. Pearson. The employer continued to have the same work available for Ms. Pearson.

Ms. Pearson elected to voluntarily quit work so that she could pursue her academic studies at Indian Hills. On July 26, 2012, Ms. Pearson completed a resignation form that provided August 19 as her last day. The employer allowed Ms. Pearson to work throughout the notice period she had provided and August 16 just turned out to be the last day. Ms. Pearson started school in Ottumwa on August 27, 2012.

## **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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

When a person voluntarily quits work to go to school the quit is presumed to be without good cause attributable to the employer. See Iowa Admin. Code 871 IAC 24.25(26).

The evidence in the record indicates that Ms. Pearson voluntarily quit effective August 16, 2012 to attend school. Ms. Pearson's voluntarily quit was without good cause attributable to the employer. Accordingly, Ms. Pearson is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits may receive reduced benefits based on the other base period wages. See 871 IAC 24.27.

Because Casey's was Ms. Pearson's sole base period employer, there are no other wage credits upon which reduced benefits might be based and Ms. Pearson is subject to the same disqualification that would apply to a quit without good cause from full-time employment.

**DECISION:**

The Agency representatives September 24, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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