

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA L AUTEN
Claimant

APPEAL NO: 09A-UI-16438-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**MANPOWER INTERNATIONAL INC
MANPOWER TEMPORARY SERVICES**
Employer

OC: 11/23/08

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Amanda L. Auten (claimant) appealed a representative's October 28, 2009 decision (reference 05) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Manpower International, Inc. / Manpower Temporary Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 8, 2009. The claimant participated in the hearing. Heidi Pringle appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant's first assignment with the employer began on December 16, 2006, working assembly work full time, Monday through Friday, 7:00 a.m. to 3:10 p.m., with a single specific client. She was laid off for lack of work with that business client on December 19, 2008 and established a claim for unemployment insurance benefits.

During the week of July 28 the employer recalled the claimant to return to the same work with the same business client, to begin August 4. On July 22 the claimant had enrolled in a local community college to pursue another career. However, she accepted the new assignment and began working on August 4, believing she could work her school schedule around her work schedule, as the class schedule was very flexible.

By about the first of October, however, it had become clear to the claimant that she was not able to properly juggle both the work and her school obligations. As a result, on October 5 she informed the employer that she was quitting the assignment.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Quitting because of a decision to focus her attention on her schooling is an understandable personal reason for quitting, but is not attributable to the employer. 871 IAC 24.25(26). A person who quits employment without good cause attributable to the employer must be disqualified from further benefits even if that person would have had good cause to decline the offer to return to work and has given up unemployment insurance benefits to accept the work which she subsequently considered unsuitable. Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's October 28, 2009 decision (reference 05) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of October 5, 2009, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css