

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

GARY M ACOSTA
Claimant

APPEAL NO. 15A-UI-10159-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

OC: 08/16/15
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Gary Acosta, the claimant, filed a timely appeal from a representative's decision dated September 4, 2015, reference 01, which denied unemployment insurance benefits finding that the claimant quit work on August 14, 2015 to go to school. After due notice was issued, a telephone hearing was held on September 23, 2015. The claimant participated. The employer participated by Ms. Susan Gardner, Human Resource Administrator.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge, finds: Gary Acosta was employed as an intern in the company's engineering department from January 12, 2015 until August 14, 2015, when Mr. Acosta left his employment to return to school. The claimant was employed in the temporary intern position full time and was paid by the hour. His immediate supervisor was Mark Stinsel.

Mr. Acosta took employment with Winnebago Industries as an intern in the company's engineering department to gain practical experience in the field and in the hope that Winnebago Industries might offer him a permanent full-time position with the company in the future. There was no guarantee of permanent employment and the length of time that Mr. Acosta would be employed by Winnebago Industries was not set by the employer at the time of hire.

In August 2015, Mr. Acosta concluded that it would be in his best interest to return to his educational pursuits because he had not received an offer for full-time permanent work with the company. Winnebago Industries continued to have work available for Mr. Acosta, however, the claimant set his last day of employment with the company as August 14, 2015 and left employment on that date. Work continued to be available to Mr. Acosta in his position of an engineering intern at the time of his leaving.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

Iowa Code § 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.

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 § 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 § 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.

In the case at hand, the evidence establishes that the claimant was hired as an engineering intern by Winnebago Industries and at the time of hire there was not end date set by the employer for the job position that Mr. Acosta had accepted. The claimant chose to leave ongoing available work with Winnebago Industries on August 14, 2015, because he believed that it was in his best interests to resume his educational pursuits instead of staying any longer with Winnebago Industries in hopes that he would be offered a higher paying permanent position within the company. Mr. Acosta set the last day of employment and left work while work continued to be available to him in the position that he had accepted with Winnebago Industries.

While the claimant's reasons for leaving were undoubtedly good-cause reasons from his personal viewpoint, they were not good-cause reasons that were attributable to the employer. Accordingly, the claimant is disqualified for unemployment insurance benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated September 4, 2015, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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