

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENN K SHADLE**  
Claimant

**APPEAL NO. 12A-UI-06562-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GMAC MORTGAGE LLC**  
Employer

**OC: 05/06/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated May 30, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 26, 2012. The claimant participated. The employer did not respond to the hearing notice and did not participate in the hearing. The record consists of the testimony of Jenn Shadle.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked for the employer as a full-time assumption processor. She had two different stints of employment. She began her second stint on June 14, 2010. The claimant was and currently is a full-time student. She is studying surgical technology. The employer had been able to accommodate her school schedule until the claimant started her clinical work. The claimant gave her employer a two week notice of her intent to resign and worked until May 11, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 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 section 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 section

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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.

The evidence in this case established that the claimant initiated the separation of employment. She resigned her position after her employer told her that it would not accommodate her school schedule. The claimant is a full-time student in surgical technology and was beginning her clinical training. An employer is not obligated to accommodate an employee's school schedule even if some accommodations had been made in the past. The claimant made the decision to resign her position so that she could continue her education. The claimant may have had compelling personal reasons to resign; but, Iowa law is clear that if a claimant resigns in order to attend school, this is a voluntary quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's decision dated May 30, 2012, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until 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.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/kjw