

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TANYA J LAWIN**  
Claimant

**APPEAL NO: 14A-UI-06362-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CBE COMPANIES INC**  
Employer

**OC: 06/01/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(26) – Leaving for School

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 17, 2014 (reference 01) that held she voluntarily quit without good cause attributable to her employer on May 30, 2014 and benefits are denied. A telephone hearing was held on July 14, 2014. The claimant participated. Mary Phillips, Chief HR Officer; Martin Dodge, Operations Manager; and Alicia Mackenzie and Nona Kaecker, Operation Supervisors; participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant began employment on May 13, 2013 as a full-time associate and last worked for the employer as a part-time associate on May 30, 2014. Claimant began working as many as 40 hours a week but she requested to change to part time in January 2014.

The employer agreed to change claimant to part-time work status on January 16, 2014, where she would work around 22 hours weekly. Claimant would submit monthly work schedules to the employer with repeated changes. The employer eventually agreed claimant could work 16 to 20 hours a week.

Claimant approached a manager on May 2 about reducing her hours to eight a week beginning the first week of June as she was in nursing school. She wanted to get a feel for her school work load and then she would consider returning to 16 hours the following week. The employer denied the request. The employer considered claimant's request with its denial to be a voluntary resignation. Claimant continued to work her usual part-time schedule through May 30 and she left employment.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The administrative law judge concludes claimant voluntarily quit without good cause attributable to her employer due to going to school effective May 30, 2014.

Claimant demonstrated a continuing pattern of working fewer hours from full time at hire to part time in January 2014 and, with the employer agreement, working as few as 16 weekly hours. The employer decision to deny claimant's request to work an eight-hour week for the first week of June, is a voluntary termination based on claimant wanting to go to school.

Claimant could have backed off her eight-hour work week request for the first week of June when the employer denied it. The employer was willing to allow claimant to continue to work the minimum part-time hours that she usually did from May 2 through May 30. Claimant had a school obligation she felt she could not overcome and the result is a voluntary quit without good cause.

**DECISION:**

The department decision dated June 17, 2014 (reference 01) is affirmed. The claimant voluntarily quit without good cause attributable to her employer on May 30, 2014. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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