

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JILL A SINDT
Claimant

APPEAL NO: 11A-UI-00439-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAIRY QUEEN
Employer

OC: 07/04/10
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 3, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in a hearing. Elizabeth Erna, the store manager appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits as of October 10, 2010.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working part time for the employer in July or August 2009. She worked an average of 10 hours a week.

In January 2010, the claimant started a nursing program at a local community college. She attended college full time. During her employment, the employer tried to be flexible and work around the claimant's school schedule. If the claimant wanted time off to study, the employer expected her to find her own replacement. In the fall when business slows down not as many employees are scheduled to work. At times during the fall, work is very hectic with just two employees. The claimant's classes, homework, work and home responsibilities became too much for the claimant to handle. The claimant decided she had to quit her part-time job so she would be able to handle the stress in life. She gave the employer a week's notice. The claimant's last day of work was October 9, 2010.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a

claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she quits because she is attending school. 871 IAC 24.25(26). The claimant quit for compelling personal reasons, but these reasons do not qualify her to receive benefits. Therefore, as of October 10, 2010, the claimant is not qualified to receive benefits from Iowa.

Since the claimant's only wages in her base period are with the employer, the voluntary quit part time job regulation, 871 IAC 24.27, does not apply.

DECISION:

The representative's January 3, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit her part-time job for reasons that do not constitute good cause attributable to the employer. The claimant is disqualified from receiving unemployment insurance benefits from Iowa as of October 10, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs