

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JULIANA R MEGGERS
Claimant

MEDIREVV INC
Employer

APPEAL 15A-UI-02620-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/08/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 24, 2015 (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on March 31, 2015. The claimant participated. The employer participated through Dawn Wisman. Brad Baldwin was an observer.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as an accounts receivable specialist and was separated from employment on February 5, 2015 when she voluntarily resigned. Continuing work was available.

The claimant resigned to concentrate on her nursing school obligations. The claimant had previously been in school full time and worked full time but wanted to focus on school. Part-time work was unavailable with the employer. The claimant was permitted to work out her two week notice but elected to work on for one week due to school.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). In this case, the claimant's leaving the employment to attend nursing school full time may have been based upon good personal reasons, but it was not for a good cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The February 24, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

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