

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CYNTHIA S MCCALL**  
Claimant

**VENUWORKS OF CEDAR RAPIDS LLC**  
Employer

**APPEAL 190-UI-06948-S1-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/12/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

Cynthia McCall (claimant) appealed a representative's June 10, 2019, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Venuworks of Cedar Rapids (employer). This administrative law judge issued a decision on July 18, 2019, with regard to timeliness of the appeal and affirmed the representative's decision. On August 29, 2019, the Employment Appeal Board, reversed and remanded the matter to an administrative law judge to issue a decision on the merits of the case.

After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 18, 2019. The claimant participated personally. The employer participated by Shayna Fitzl, Accounting Manager; Joyce White, Food and Beverage Manager; and Daniel Crawford, Director of Finance. Tina Inman observed the hearing. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 9, 2018, as a part-time concessions worker. She had been earning her master's degree at Iowa State University but took time off to earn funds. While working for the employer, the claimant also worked full-time at Shive-Hattery Group.

On July 29, 2018, the claimant sent an e-mail to the employer saying she was giving her two-week notice so she could return to school. The claimant also quit her full-time job to return to school. The claimant started school again in the fall of 2018.

The claimant was a full-time student at Iowa State University until May 11, 2019, when she graduated. She filed for unemployment insurance benefits with an effective date of May 12, 2019. On September 3, 2019, she started a new job with Aerotech in Cincinnati, Ohio.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 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 voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intent to leave employment was evidenced by her words and actions. She told the employer she was quitting and left work. When a claimant quits work to return to school, the leaving is without good cause attributable to the employer. The claimant quit work to return to school. Her leaving is without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's June 10, 2019, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs