

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY A BRUGIONI
Claimant

APPEAL NO: 13A-UI-08325-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TENDER YEARS DAYCARE CENTER INC
Employer

OC: 06/09/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 10, 2013 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge. The claimant participated at part of the hearing. She presented her testimony and then hung up. Enda Schultz 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.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer on September 17, 2012. While working for the employer, the claimant interviewed for another job and assumed she had another job. As of October 24, the claimant had not been offered a new job. On October 24, the claimant gave the employer her written resignation indicating she was quitting in two weeks. Since the claimant did not want to work with children the employer assigned to her, the employer told the claimant she could leave immediately instead of working two more weeks.

The claimant was not offered the other job. She established a claim for benefits during the week of June 9, 2013, after her employment with DES ended. The claimant has not earned ten times her weekly benefit amount, or \$2,530.00, between October 24, 2012, and June 9, 2013.

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 leaves to seek other employment but does not secure another job. 871 IAC 24.25((3). When the claimant resigned, she had not been offered a job and was not offered the job that she assumed she would get. The claimant quit for reasons that do not qualify her to receive benefits. Therefore, as of October 24, 2012, the claimant is not qualified to receive benefits.

Since the claimant has not earned \$2,530.00 between October 24, 2012, and June 9, 2013, she is not eligible to receive benefits even if her employment separation from DES was for nondisqualifying reasons.

DECISION:

The representative's July 10, 2013 denervation (reference 02) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 24, 2012. 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/css