

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANA L MCKINLEY
Claimant

APPEAL NO. 07A-UI-08686-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEYS MARKETING COMPANY
Employer

OC: 08/12/07 R: 04
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Diana L. McKinley (claimant) appealed a representative's September 4, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Casey's Marketing Company (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 26, 2007. The claimant participated in the hearing. Connie Sublette, the area supervisor appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer in April 1999. The claimant worked full time as a store manager. Sublette supervised the claimant.

On July 10, the claimant completed a vacation request form. The claimant wanted to have two weeks off from work, July 28 through August 14, 2007. Sublette told the claimant she could not approve two weeks off from work, but may give the claimant approval for one week of vacation. The claimant did not like this response. After this discussion Sublette was off work for a few days. When the claimant could not contact Sublette, she left a message on Sublette's voice mail on July 13. The claimant told Sublette she was going to take two weeks of vacation, she was quitting and her last day of work was July 27, 2007.

When Sublette returned to work, she talked to the claimant on July 16. At that time, the employer told the claimant she could not approve even a week of vacation because the assistant manager the claimant had hired in April was not ready to work alone. On July 27, the claimant told Sublette she had changed her mind and was only going on vacation for one week.

Sublette then informed the claimant she had previously accepted her July 13 resignation and made other arrangements after July 27, 2007.

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. On July 13, the claimant informed the employer she was quitting and her last day of work would be July 27 because she was going to take a two-week vacation. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits without good cause when she leaves employment to take a vacation. 871 IAC 24.25 (25). The facts establish that on July 13 the claimant quit so she could take a two-week vacation, July 28 through August 14, 2007. On July 27, the claimant attempted to rescind her resignation, but the employer did not allow the claimant to rescind her resignation. After a claimant resigns, the employer has no legal obligation to continue the claimant's employment after she resigns.

The claimant established personal reasons for resigning. Her reasons for resigning do not qualify her to receive unemployment insurance benefits. As of August 12, 2007, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 4, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 12, 2007. 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