

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILMA I PILLOT**  
Claimant

**APPEAL NO. 07A-UI-08561-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**VISITING NURSE SERVICES**  
Employer

**OC: 08/05/07 R: 02  
Claimant: Respondent (3)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Visiting Nurse Services filed an appeal from a representative's decision dated August 30, 2007, reference 01, which allowed benefits to Wilma Pillot from August 5 through August 10, 2007 on a finding that she was discharged prior to the effective date of her resignation. After due notice was issued, a hearing was held by telephone on September 25, 2007. Ms. Pillot participated personally. The employer participated by Deanna Ingebretsen, Human Resources Director.

**ISSUE:**

At issue in this matter is whether Ms. Pillot was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Pillot began working for Visiting Nurse Services on February 9, 2007. She was employed full time as a transportation specialist. On or about July 20, she notified her supervisor that she would be quitting approximately August 20. On August 10, her supervisor requested that she put her resignation in writing and indicate an ending date of August 15. Ms. Pillot did as requested. Later that day, she was notified that her resignation was being accepted immediately. She quit the employment to start her own daycare business.

Ms. Pillot filed a claim for job insurance benefits on August 10 and it was backdated to be effective the Sunday of that week, August 5, 2007. She did not file weekly claims until the week ending August 25, 2007. Ms. Pillot started her daycare business on August 20 and operates it on a full-time basis.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Pillot initially gave notice that she was leaving her employment on August 20. Her decision to leave was voluntary as she intended to start her own business. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for

good cause attributable to the employer. Iowa Code section 96.5(1). The term “good cause attributable to the employer” generally refers to some matter over which the employer has control. In the case at hand, Ms. Pillot quit to start her own business. An individual who leaves employment to enter self-employment is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(19). Inasmuch as there was no other reason for the separation, it was a disqualifying event.

An individual who is discharged prior to the effective date of resignation is allowed job insurance benefits from the last day worked until the effective date of resignation. See 871 IAC 24.25(38). Ms. Pillot amended her departure date from August 20 to August 15 at the request of her supervisor. She would be entitled to benefits from August 10 until August 20, 2007. However, she did not claim benefits during this time frame and, therefore, no benefits are payable for this time frame. Therefore, the question of whether the proposed resignation date was August 15 or August 20 is moot. Ms. Pillot did not claim benefits until the week beginning August 19. She was not entitled to benefits at this point because of her voluntary resignation and because she was working full time in her own business. For the above reasons, Ms. Pillot is not entitled to benefits for any period following the filing of her claim effective August 5, 2007.

**DECISION:**

The representative’s decision dated August 30, 2007, reference 01, is hereby modified. Ms. Pillot is not entitled to benefits from the last day worked until the effective date of resignation because no benefits were claimed. Benefits are denied effective August 19, 2007 as she voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as Ms. Pillot has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

---

Carolyn F. Coleman  
Administrative Law Judge

---

Decision Dated and Mailed

cfc/pjs