

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**BENJAMIN J ZICKEFOOSE**  
Claimant

**APPEAL 14A-UI-09708-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALBERT LEA ELECTRIC COMPANY INC**  
Employer

**OC: 05/04/14  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 16, 2014, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 8, 2014. Claimant participated. Employer participated through Darla Snaith, Office Manager. Claimant's Exhibit A was entered and received into the record.

**ISSUE:**

Did the claimant voluntarily quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a journeyman electrician beginning on June 24, 2014 through August 20, 2014 when he voluntarily quit to return to school. The employer hires all their employees out of the union hall. The order placed with the union was for a long-call position. Neither the union nor the employer expects that the job will end on any date specific or time. The employer is just required to give the union hall some general notice as to how long the job will last. On August 20, 2014 continued work was available for the claimant with this employer, but he chose not to continue working so he could attend school. The claimant was not laid off by the employer due to lack of work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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 was not laid off, nor did he quit in advance of a layoff. Even on the date of the hearing the job the claimant was to work was ongoing. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The September 16, 2014 (reference 02) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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