

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARON R SCHULTE
Claimant

APPEAL NO. 10A-UI-05177-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD SAMARITAN SOCIETY INC
Employer

**Original Claim: 03/14/10
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Sharon Schulte filed an appeal from a representative's decision dated March 31, 2010, reference 01, which denied benefits based on her separation from Good Samaritan Society, Inc. After due notice was issued, a hearing was held by telephone on May 19, 2010. Ms. Schulte participated personally. The employer participated by Lori Treangen, Human Resources. Exhibit One was admitted on the employer's behalf.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Schulte began working for Good Samaritan Society, Inc. on November 4, 2008. She was hired to work as a CNA for 64 hours per two-week pay period. She took a leave of absence from July 5 through July 23, 2009 in order to attend school. She was advised beforehand that the employer might not be able to provide her with the same schedule or number of hours upon her return.

After her return from the leave of absence, Ms. Schulte was working a partial shift on Fridays and on alternate weekends. She received very few hours in November and December of 2009 because the facility's census was low. However, she resumed her usual, post-leave hours in January of 2010. On January 21, she requested that she be allowed to reduce her schedule because of her school attendance. On January 28, she was told that she could not reduce her schedule. Therefore, on February 3, she voluntarily quit. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

It is undisputed that Ms. Schulte voluntarily quit her employment on February 3, 2010. An individual who leaves employment voluntarily is disqualified from receiving job insurance

benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Schulte quit because she could no longer work the hours the employer expected her to work and also attend school. An individual who leaves employment to attend school is presumed to have left without good cause attributable to the employer. 871 IAC 24.25(26).

Ms. Schulte contended that the employer could have worked around her school schedule without jeopardizing the care of residents. However, the employer was under no obligation, contractual or otherwise, to accommodate her. While Ms. Schulte had good personal cause for leaving her job, it was not attributable to the employer. For the reasons cited herein, benefits are denied.

DECISION:

The representative's decision dated March 31, 2010, reference 01, is hereby affirmed. Ms. Schulte voluntarily quit her employment for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw