

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SIEMENS, VANESSA, S
Claimant

APPEAL NO. 10A-UI-17216-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CASEY'S MARKETING COMPANY
CASEY'S GENERAL STORES**
Employer

**OC: 10/31/10
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Vanessa Siemens filed a timely appeal from the December 10, 2010, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on February 1, 2011. Claimant participated. Jenny Mora, Employment Specialist, represented the employer.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Vanessa Siemens was employed by Swift & Company as a full-time trainer/production worker from 2006 until June 25, 2010, when she voluntarily quit to go to school. Toward the end of the employment, Ms. Siemens approached the employer about advancing within the company. The employer advised Ms. Siemens that she would need to pursue further formal education before the employer would be in a position to offer her advancement opportunities. Ms. Siemens wanted the employer to provide financial or other support for her academic studies, but the employer was unwilling to provide such support. Ms. Siemens wanted the employer to allow her to work part-time while she went to school, but the employer was unwilling to offer that accommodation. Ms. Siemens erroneously interpreted the employer's actions as gender discrimination. Ms. Siemens ultimately quit the employment so that she could pursue her academic studies, which she began shortly after leaving the employment. The employer continued to have the same work available to Ms. Siemens.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record indicates that Ms. Siemens voluntarily quit the employment primarily to go to school. Ms. Siemens also quit due to dissatisfaction with certain aspects of the work environment, specifically the requirement that she pursue further education in order to advance. Ms. Siemens also quit because she wanted part-time work hours, though her employment had been full-time. Quits for such reasons are presumed to be without good cause attributable to the employer. See 871 IAC 24.25(18), (21) and (26). The evidence fails to support Ms. Siemens' allegation of discrimination.

Ms. Siemens voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Siemens is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Siemens.

DECISION:

The Agency representative's December 10, 2010, reference 03, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs