

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

EILEEN K TRINIDAD
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WINDSOR HEIGHTS IA 50311

NURSE FORCE INC
2900 WESTOWN PKWY #1
WEST DES MOINES IA 50266 1315

Appeal Number: 04A-UI-06105-H2T
OC 05-09-04 R 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 24, 2004, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 24, 2004. The claimant did participate. The employer did participate through Deb Buse, Client Services Director. Employer's Exhibit One was received. Claimant's Exhibit A was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a case management nurse beginning on April 4, 2004 until May 7, 2004 when she voluntarily quit her employment. When the claimant was hired the claimant indicated that she would only work until June 1, 2004. The employer expected the claimant to work until June 1, 2004. The claimant limited the time that she would work until June 1, 2004

because she told the employer that she was going to relocate out of state. The only reason that the claimant did not continue working for this employer was because she chose not to. The employer hired the claimant believing that she would continue working until June 1, 2004. The claimant decided to leave the job prior to June 1, 2004 and indicated to the employer in a letter of April 24, 2004 that she wanted her last day to be April 30, 2004. When the claimant turned in her letter of April 24, 2004, the employer asked the claimant to at least stay until May 7, 2004. Had the claimant not quit, continued work was available for her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code Section 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2 (amended 1998).

The claimant never intended to work past June 1, 2004 for this employer. The claimant did not work until June 1, 2004 only because she chose not to. Continued work was available for the claimant up to and past June 1, 2004, if she so chose to work. The claimant's letter of April 24, 2004, no matter how she characterizes it, clearly indicates that she is no longer willing to work for this employer. The claimant quit to look for another job out of state. The claimant's leaving was without good cause attributable to the employer. Benefits are denied.

The allegations made by the claimant in Claimant's Exhibit A, have nothing to do with her decision to leave, but rather appear to be reason she came up with after leaving to justify her refusal to continue working for the employer. The claimant has failed to establish she had good cause for leaving this employment.

DECISION:

The May 24, 2004, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times she weekly benefit amount, provided she is otherwise eligible.

tkh/b