Appeal Number: **04A-UI-09658-ET**
OC: 08-08-04   **R: 03**
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.

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UNIVERSITY OF NORTHERN IOWA
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_____
(Administrative Law Judge)

_____
(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 1, 2004, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 29, 2004. The claimant participated in the hearing with her husband Benjamin Barrientes. Jan Flick, Benefits Manager, and Dr. Howard Barnes, Department Head, participated in the hearing on behalf of the employer. Claimant's Exhibit A was admitted into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time assistant professor for the University of Northern Iowa

from the fall of 2000 to July 12, 2004. She submitted her resignation (Claimant's Exhibit A) because of "economic strain" due to trying to maintain a home in Iowa City with her husband and an apartment in Cedar Falls and commuting to Iowa City on weekends after foreclosure proceedings were started on her Iowa City home and her car was repossessed. The claimant also had a child in the spring of 2004 and was concerned about the added expense of childcare. The claimant took a leave of absence for the spring 2004 semester and requested another leave for the fall 2004 semester, which the employer granted while telling her it would not support a leave request for the spring 2005 semester. The claimant was also upset about a comment regarding her "fit" with the program contained in an external program review completed during her leave of absence. The claimant did not bring her concerns about that issue to the employer's attention until after her resignation and consequently was unaware the employer also disagreed with the reviewers' comments and took the "unusual step" of requesting that the comment be expunged from the report.

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.

871 IAC 24.25(23) 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 section 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 section 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:
>
> (23) The claimant left voluntarily due to family responsibilities or serious family needs.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). 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's housing, transportation and childcare arrangements were her personal responsibility and while it is unfortunate that she was facing serious financial difficulties as the result of trying to maintain two households, her decision to voluntarily leave her position to alleviate her financial problems

does not constitute good cause attributable to the employer as defined by Iowa law. Consequently, benefits must be denied.

DECISION:

The September 1, 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 her weekly benefit amount, provided she is otherwise eligible.

je/tjc