

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HUDA I HUMYMA
Claimant

APPEAL 22A-UI-00399-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CITY COMMUNITY SCHOOL DIST
Employer

**OC: 10/17/21
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Huda I Humyma, the claimant/appellant filed an appeal from the November 16, 2021 (reference 01) unemployment insurance (UI) decision that denied benefits because of an October 17, 2021 voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on January 25, 2022. Ms. Humyma participated and testified. The employer participated through Lyndsee Detra, human resources coordinator. Employer's Exhibit 1 was admitted as evidence.

ISSUE:

Did Ms. Humyma 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: Ms. Humyma began working for the employer on February 4, 2020. She worked as a part-time para-educator. Her employment ended on June 11, 2021.

On June 11, the last day of the 2020-2021 school year, Ms. Humyma sent an email to some of her co-workers telling them goodbye and wishing them the best. The principal responded to Ms. Humyma and asked her if she was returning to work for the employer the next school year. Ms. Humyma responded that she would not be returning, but would instead go back to school.

Ms. Humyma applied for a graduate program. Ms. Humyma also applied for several jobs. Ms. Humyma wanted to either work full-time with higher pay, or go back to college. When Ms. Humyma was not hired for any of the jobs for which she applied, she filed a claim for UI benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Humyma separation from employment was 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.

Iowa Admin. Code r. 871-24.25(3), (26), and (37) provide:

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:

(3) The claimant left to seek other employment but did not secure employment.

(26) The claimant left to go to school.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

In this case, Ms. Humyma left her job with this employer to go back to school. She then also began applying for new, full-time jobs. Ms. Humyma made choices that were best for her, and the administrative law judge applauds her drive and effort to continue her education and/or obtain a better, higher paying job. However, according to Iowa law, Ms. Humyma's leaving her job with this employer was not for a good-cause reason attributable to the employer. As such, benefits must be, and are, denied.

DECISION:

The November 16, 2021, (reference 01) unemployment insurance decision is affirmed. Ms. Humyma 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.



Daniel Zeno
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February 16, 2022
Decision Dated and Mailed

dz/mh