

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEONE L LINES

Claimant

APPEAL NO: 13A-UI-07717-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 05/26/13

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 27, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. James Franzetti represented the employer. Shannon Saul testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in 2006. She worked full time as a tech support employee. Before the claimant submitted her resignation, she looked into the possibility of working part time for the employer. The employer did not have any part-time employment available. The claimant could have continued working full time.

The claimant submitted a written resignation that she was resigning as of April 5, 2013. The employer understood the claimant resigned because she was retiring and for personal health reasons.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits employment without good cause when she leaves to retire when she could have continued working. 871 IAC 24.25(24). The claimant established compelling personal reasons for quitting, but these reasons do not establish she quit for reasons that qualify her to receive benefits. As of April 7, 2013, the claimant is not qualified to receive benefits. This disqualification continues until she earns ten times her weekly benefit amount or \$3,960.00.

The claimant asserted she wanted only to file a claim against another employer who had laid her off from work. The law does not allow claimants to pick and choose the employer that may be charged for benefits a claimant receives. Since the reasons for the claimant's employment separation with the employer do not qualify her to receive benefits, the law requires her to earn ten times her weekly benefit amount from insured employment before she can receive unemployment insurance benefits.

DECISION:

The representative's June 27, 2013 determination (reference 01) is affirmed. The claimant voluntary quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 7, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs