

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ASHLEY R PETERSEN**  
Claimant

**APPEAL NO. 08A-UI-07366-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GMRI INC**  
Employer

**OC: 06/08/08 R: 03  
Claimant: Appellant (1)**

Section 06.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Ashley Petersen filed an appeal from a representative's decision dated August 8, 2008, reference 01, which denied benefits based on her separation from GMRI, Inc. After due notice was issued, a hearing was held by telephone on August 27, 2008. Ms. Petersen participated personally. The employer participated by Annette Fears, General Manager.

**ISSUE:**

At issue in this matter is whether Ms. Petersen was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Petersen began working for GMRI, Inc., doing business as Red Lobster, on June 8, 2005 in Council Bluffs, Iowa. She worked from 20 to 25 hours each week as a food server. She was a full-time student when she began the employment and the employer worked around her school schedule.

In August of 2007, Ms. Petersen quit her job because she had plans to attend school in Iowa City. She was offered a transfer to the employer's Iowa City location but it did not work out for her. Ms. Petersen has performed services for the employer in Council Bluffs when she is home on breaks. She last worked June 22, 2008 and then returned to Iowa City to attend school during the summer session. Continued work was always available for Ms. Petersen.

**REASONING AND CONCLUSIONS OF LAW:**

All of Ms. Petersen's base period wage credits were earned in employment with Red Lobster in Council Bluffs. She voluntarily quit the position in August of 2007. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has

control. Ms. Petersen quit to attend school, a decision that was not within the control of Red Lobster.

An individual who quits employment to attend school is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(26). Inasmuch as there was no other reason for Ms. Petersen's quit, she is not entitled to job insurance benefits. The administrative law judge appreciates that she has returned to work for the employer during her breaks from school. However, she always leaves the employment to return to school.

**DECISION:**

The representative's decision dated August 8, 2008, reference 01, is hereby affirmed. Ms. Petersen quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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