

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHANIE L GONZALEZ**

Claimant

**APPEAL NO: 11A-UI-01702-S**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STREAM INTERNATIONAL INC**

Employer

**OC: 01/09/11**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(26) – Quit to go to School

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated February 1, 2011, reference 01, that held she voluntarily quit employment without good cause attributable to the employer on January 5, 2011, and benefits are denied. A hearing was held in Sioux City, Iowa on May 25, 2011. The claimant participated. Stacy Albert, HR Generalist, participated for the employer.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant was hired by the employer on February 22, 2010 as a part-time customer support person. The claimant last worked January 4, 2011. Claimant contacted HR Manager Nelson on January 5 stating she was quitting to go to school. Although the employer had informed claimant it was discontinuing her work on the Nike account, continuing employment was available on the Sirius account at comparable pay.

Claimant failed to appear for the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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(26) 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 § 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 § 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:

(26) The claimant left to go to school.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer effective January 5, 2011 in order to return to school.

The employer gave no advance notice she was quitting on January 5 in order to attend school. Although the employer was moving her work from one business client to another, she had the opportunity for continuing employment at comparable pay.

**DECISION:**

The department decision dated February 1, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on January 5, 2011. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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