

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATHKONN B KOMBATE**  
Claimant

**APPEAL NO: 14A-UI-10103-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IAC IOWA CITY LLC**  
Employer

**OC: 08/31/14  
Claimant: Appellant (1)**

Section 96.5-2-1 – Voluntary Leaving  
871 IAC 24.25(26) – Left to Attend School

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the September 25, 2014, 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 October 17, 2014. The claimant participated in the hearing. The employer did not respond to the hearing notice by providing a phone number where it could be reached at the date and time of the hearing as evidenced by the absence of a name and phone number on the Clear2There screen showing whether the parties have called in for the hearing as instructed by the hearing notice. The employer did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment to attend school as a full-time student.

**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 injection operator for IAC Iowa City from November 9, 2012 to August 20, 2014. He wanted to attend the University of Iowa as a full-time student beginning in the fall of 2014. He had worked full time while a full-time student at Kirkwood Community College but believed the University would be more rigorous and prevent him from working full time while being able to study to the extent required at his new school. He asked the employer if he could work part time but it did not offer part-time work and consequently the claimant voluntarily left his position to return to school as a full-time student. The employer had continuing, full-time work available for him.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment to return to school as a full-time student and is therefore not eligible to receive unemployment insurance benefits.

Iowa Admin. Code r. 871-24.25(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.

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). The claimant's intent to leave employment was evidenced by his words and actions. The claimant told the employer that he was quitting his job and left his job to return to school as a full-time student after asking the employer if it could provide part-time work. When told he could not work part time for the employer, the claimant voluntarily quit his job. When a claimant quits work to return to school, the leaving is without good cause attributable to the employer. Because the claimant left his employment to return to school as a full-student; his leaving is not considered to be for good cause attributable to the employer. (Emphasis added). Additionally, unemployment insurance benefits are not need based but are based upon the facts and law regarding the claimant's separation from employment. In this case, the claimant's separation disqualified him from receiving unemployment insurance benefits. Therefore, benefits must be denied.

**DECISION:**

The September 25, 2014, reference 01, decision is affirmed. The claimant voluntarily left his employment to attend school full time. Benefits are denied, until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/can