

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KENNETH U KOKER**  
Claimant

**APPEAL NO: 13A-UI-03301-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**  
Employer

**OC: 02/26/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Kenneth Koker (claimant) appealed an unemployment insurance decision dated March 8, 2013, reference 04, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Remedy Intelligent Staffing, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 17, 2013. The claimant participated in the hearing. The employer participated through Charlene Crespo, On-Site Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a temporary production worker assigned to Alside in a temp-to-hire position from August 1, 2012 through January 22, 2013. He voluntarily quit to attend school. Continuing work was available had the claimant not elected to quit his job to attend school.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The evidence in this case established that it was the claimant who initiated the separation of employment. He was a full-time employee in a temp-to-hire assignment when he voluntarily quit. The claimant's choice to attend school shows his intent to sever the employer/employee

relationship. Iowa law states that if a claimant leaves to attend school, the claimant is presumed to have voluntarily quit without good cause attributable to the employer. See 871 IAC 24.25(26).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden. Benefits are denied.

**DECISION:**

The unemployment insurance decision dated March 8, 2013, reference 04, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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