

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANTO F OBURAK
Claimant

APPEAL NO. 08A-UI-09709-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA PACIFIC PROCESSORS INC
Employer

OC: 09/09/07 R: 02
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 16, 2008, reference 07, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 6, 2008. The parties were properly notified about the hearing. The claimant called and provided a number where he could be reached for the hearing, but was not available at that number and failed to participate in the hearing. Dave Martin participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a packaging employee on the second shift from December 10, 2007, to August 22, 2008. He had informed his supervisor at the beginning of August that he planned to return to school in the fall and wanted to transfer to the first shift to accommodate his class schedule. His supervisor told him that if the employer had an opening on the first shift, he could transfer. The employer did not have an opening on the first shift so when it got to the time for the claimant to start school, he was informed there was no openings on the first shift. He then left employment to attend school. The claimant could have continued working on the second shift if he had continued in employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 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.

The unemployment insurance rules provide that a claimant who quits employment to attend school has voluntarily quit employment without good cause attributable to the employer. 871 IAC 24.25(26). The claimant is disqualified from receiving unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 16, 2008, reference 07, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs