

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORYS HARALSON
Claimant

APPEAL NO. 14A-UI-06176-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOHERTY STAFFING SOLUTIONS
Employer

OC: 05/18/14
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Cory Haralson filed a timely appeal from the June 4, 2014, reference 01, decision that disqualified him for benefits. After due notice was issued, a hearing was held on July 9, 2014. Mr. Haralson participated. Glenda Niemiec represented the employer and presented additional testimony through Kim Johnson.

ISSUE:

Whether Mr. Haralson's voluntary quit was for good cause attributable to the employer. It was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Cory Haralson was employed by Doherty Staffing Solutions from August 2013 until January 2, 2014 when he voluntarily quit the employment to return to his college studies at the University of Northern Iowa. The employer is a staffing agency and had placed Mr. Haralson in a full-time, long-term work assignment at Polaris in Spirit Lake. While Mr. Haralson performed work in the assignment, he resided in Okoboji. Mr. Haralson's desire to continue his studies included a move to Cedar Falls. At the time Mr. Haralson voluntarily quit the employment, the employer and the client business continued to have work for Mr. Haralson.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Iowa Admin. Code r. 871-24.25(2), (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:

(2) The claimant moved to a different locality.

(26) The claimant left to go to school.

The evidence in the record indicates that Mr. Haralson voluntarily quit the employment without good cause attributable to the employer so that he could attend school and so that he could relocate for that purpose. Because the voluntary quit was without good cause attributable to the employer, Mr. Haralson is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

DECISION:

The claims deputy's June 4, 2014, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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