

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NATALIE J STIMPLE
Claimant

APPEAL NO: 08A-UI-07682-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA
Employer

OC: 06/22/08 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Natalie J. Stimple (claimant) appealed a representative's August 18, 2008 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Wells Fargo Bank, N.A. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 9, 2008. The claimant participated in the hearing. Tammy McConnell appeared on the employer's behalf. 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:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on April 3, 2001. She worked full time as a collector in the employer's West Des Moines, Iowa loan processing and collection office. Her last day of work was January 25, 2008. She gave her verbal notice of resignation on January 10, confirmed with a written resignation on January 11 designating January 25 as her last day.

The claimant's reason for resigning was so that she could attend truck driving school that would otherwise have conflicted with her work schedule. The claimant had determined to pursue this other education because of a concern that due to the slow down in the mortgage industry there was the potential that she could be downsized or moved to a completely different area of work. However, while on a few occasions some persons in the claimant's department had been asked to do loan production work, the claimant herself had not been required to do such other work, and there was no announcement of any eminent layoff or downsizing in the department. While the employer did not fill the claimant's position after she left, there has been no downsizing of the department.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving in order to pursue other education is not a good cause attributable to the employer. 871 IAC 24.25(26). Quitting due to speculation of a potential layoff where there has been no announcement of a layoff and continued work is available is not good cause. 871 IAC 24.25(29), (40). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's August 18, 2008 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of January 25, 2008, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs