

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHERINE LENTS

Claimant

APPEAL NO. 08A-UI-09940-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ANKENY COMMUNITY SCHOOL DISTRICT

Employer

**OC: 07/27/08 R: 02
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ankeny Community School District filed a timely appeal from an unemployment insurance decision dated October 15, 2008, reference 01, that allowed benefits to Catherine Lents. After due notice was issued, a telephone hearing was held November 12, 2008 with Ms. Lents participating. Human Resources Director Jennifer Owenson participated for the employer. Claimant Exhibit A was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Catherine Lents was employed by the Ankeny Community School District from July 24, 2007 until she resigned effective June 20, 2008, the end of the school year. She last worked full time as an assistant building principal in the elementary grades.

Ms. Lents submitted a letter of resignation to be effective on June 20, 2008. The date of the letter was March 14, 2008. She submitted the letter of resignation after being informed by then Human Resources Director Thomas Ahart that the school district would not be offering contracts to assistant elementary principals for the 2008-2009 academic year. Mr. Ahart included that information in a letter of recommendation he prepared on behalf of Ms. Lents on March 13, 2008. There are no assistant elementary principals in the district at this time.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

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 claimant has the burden of proof. See Iowa Code section 96.6-2. The evidence in the record persuades the administrative law judge that Ms. Lents submitted her letter of resignation only after being advised that her position would not be filled for the following academic year. The claimant's testimony as to this advice is corroborated in the letter of recommendation from Mr. Ahart that is part of Exhibit A. The record also establishes that the claimant worked until the end of the academic year, which means that there is no question of the claimant's availability for work prior to the end of the school year. The administrative law judge concludes that the claimant could reasonably rely upon Mr. Ahart's advice given his position in the school district. Had Ms. Lents merely worked through the end of the school year, she would have been considered to have been laid off. Benefits would have been allowed without question. It would not be appropriate to penalize Ms. Lents for submitting her letter of resignation early in order to begin seeking her next position before her former position ended.

DECISION:

The unemployment insurance decision dated October 15, 2008, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs