

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JOSEPH R FERREBEE**  
Claimant

**HY-VEE INC**  
Employer

**APPEAL 14A-UI-13407-KCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/07/14**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 26, 2014, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 26, 2015. The claimant participated. He presented no other witnesses. The employer was represented by Cathy Hood and witness Brenda Everts, Human Resources Manager. No exhibits were admitted into evidence at the hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a kitchen clerk. He began the position on July 15, 2014 and was separated from employment on November 30, 2014, the last day that he worked.

On December 3, 2014, the claimant called Ms. Everts to report that he could not work his shift scheduled to start at 3:00 pm that day. He also stated that for personal reasons he had decided he would not be able to work the remaining shifts for which he was scheduled for December 3 through December 7, 2014. Mr. Ferrebee stated that he was unable to maintain his part-time work for the employer and keep up with his other responsibilities as a college student and a soon-to-be father. He also informed Everts that he did not anticipate working for the employer for the foreseeable future due to his other commitments.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(23), (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:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

(26) The claimant left to go to school.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The December 26, 2014, (reference 02) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Kristin A. Collinson  
Administrative Law Judge

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Decision Dated and Mailed

kac/pjs

