

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTH M KROG
Claimant

APPEAL NO. 09A-UI-03128-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MOSAIC
Employer

**Original Claim: 01/18/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ruth Krog filed an appeal from a representative's decision dated February 24, 2009, reference 03, which denied benefits based upon her separation from Mosaic. After due notice was issued, a telephone conference hearing was scheduled for and held on March 23, 2009. Ms. Krog participated personally. The employer participated by Jennifer Coe, hearing representative, and witnesses Jennifer Wyant and Stuart Kunkle. Employer's Exhibit One was received into evidence.

ISSUE:

At issue is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from February 4, 2008, until October 4, 2008, when she voluntarily quit employment because of personal obligations. Ms. Krog was employed as a residential assistant on a full-time basis and was paid by the hour. Her immediate supervisor was Stuart Kunkle. On October 7, 2008, Ms. Krog voluntarily resigned her position with Mosaic, indicating that she needed to travel to a different state to attend court proceedings for personal reasons. The claimant did not request a leave of absence and a leave of absence was not entered into. The claimant, however, was informed that if she wished to return to work, she could make an application for re-employment within six months of her leaving date. Ms. Krog signed a written resignation form at the time of leaving, specifically indicating that she was agreeing to a "separation of employment" (See Employer's Exhibit One).

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Krog left her employment with good cause attributable to the employer. It does not.

The evidence in the record establishes that Ms. Krog left her employment on October 7, 2008, for personal reasons. The evidence in the record establishes that the claimant did not request a

leave of absence at the time of her leaving and signed a separation form specifically indicating that she was separating from employment. The evidence in the record specifically indicates that the claimant was not told that the employer would keep her job open for her but that she could make re-application for employment if she did so within a six-month period. The testimony of Ms. Wyant, who was there at the time of separation, is corroborated by that of Mr. Kunkle, who was also a witness to the claimant's resignation.

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.

For the reasons stated herein, the administrative law judge concludes that the claimant voluntarily quit her employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated February 24, 2009, reference 03, is affirmed. Ruth Krog is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw