

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KADIRA MUJKANOVIC

Claimant

APPEAL NO: 14A-UI-01582-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 01/12/14

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving
871 IAC 24.1(113)a – Layoff

STATEMENT OF THE CASE:

Kadira Mujkanovic (claimant) appealed a representative's February 5, 2014 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits for the period of January 12 through March 15, 2014 in connection with a separation from work with 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 March 5, 2014. The claimant participated in the hearing. A review of the Appeals Section's conference call system indicates that the employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. 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:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer prior to the layoff from employment?

FINDINGS OF FACT:

The claimant started working for the employer on November 05, 2012. She worked in various positions in the employer's business. In October 2013 she had been working full time as a loan processor. On October 16 she was informed that she was going to be laid off from that position as of December 14. She began to make preparations for being without work, including notifying her childcare provider that her children would be leaving. On December 14 the claimant was informed that she could be temporarily transferred into another position as a loan document servicing specialist. That position would be available to her through March 15, at which time she would be laid off. The claimant entered into this position. However, her last day of work was January 15, 2014. She voluntarily left the position at that time because the person who had been watching her children had moved away and she no longer had any childcare. She also decided that she wanted to find a more stable job. The claimant established an unemployment insurance benefit year effective January 12, 2014.

REASONING AND CONCLUSIONS OF LAW:

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. The claimant did express her intent not to continue to work with the employer from January 16 through March 15, 2014. A voluntary leaving of employment requires an intention to terminate the employment relationship. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit 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. Quitting because of a lack of childcare or to seek other employment is not good cause attributable to the employer, even if they are good personal reasons. 871 IAC 24.25(3), (17). The claimant has not satisfied that burden. Benefits are denied effective January 12, 2014.

871 IAC 24.25(40) provides:

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

This rule exactly fits the claimant's situation. The claimant's quit was made prior to the scheduled layoff. Under the rule, the claimant would only be disqualified for benefits until the effective date of the layoff. Effective March 16, 2014 benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's February 5, 2014 decision (reference 01) is affirmed. The claimant voluntarily quit without good cause attributable to the employer effective January 15, 2014, prior to her scheduled layoff on March 15, 2014. She would be ineligible for benefits until the effective date of the scheduled layoff. Benefits are allowed as of March 16, 2014, provided the claimant is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css