

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORA J POORMAN
Claimant

APPEAL NO. 09A-UI-16977-VS

**ADMINISTRATIVE LAW JUDGE
DECISION**

STEPHANIE G NESSETH
Employer

OC: 04/12/09
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated October 27, 2009, reference 04, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 28, 2010, in Cedar Rapids, Iowa. Claimant participated. Employer participated by Stephanie Nesseth, Owner; Dana Rohrssen, Office Manager; and Jana Evans, Quality Assurance Manager. The record consists of the testimony of Stephanie Nesseth; the testimony of Dana Rohrssen; the testimony of Jana Evans; the testimony of Lora Poorman; and Employer's Exhibits 1-19.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer provides residential and commercial cleaning services. The claimant was hired on April 27, 2009. The claimant worked approximately 22 or 23 hours per week. On August 19, 2009, the claimant gave birth to a baby. She was off work approximately 4 weeks. She quit her job on September 23, 2009. Her reason for quitting was that she did not feel that it was economically feasible for her to work 22 or 23 hours per week and pay for daycare. The employer told the claimant she could have more hours and asked to reconsider. The claimant elected to quit. Work was available for the claimant at the time of her resignation.

REASONING AND CONCLUSIONS OF LAW:

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in this case established that it was the claimant who initiated the separation of employment. She intended to sever the employer/employee relationship and did so by quitting her job. The claimant's reason for quitting her job was that she did not feel that it was economically feasible for her to work 22 or 23 hours per week for the employer and pay daycare for her newborn. The employer was willing to give the claimant more hours, but the claimant elected to quit. There was no change in the contract of hire. The claimant decided, for personal reasons, to quit her job. Her personal reasons do not constitute good cause attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated October 27, 2009, reference 04, is reversed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css