IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

Appeal Number: 04A-UI-01099-H2T
OC 12-21-03   R 01
Claimant: Appellant (1)

CHARLOTTE R NICCOLI
2224 – 300TH **AVE**
SIDNEY IA 51652

OUR HOUSE
  CHILD DEVELOPMENT CENTER
200 W CLARINDA
SHENANDOAH IA 51601 1845

_____
(Administrative Law Judge)

_____
(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 23, 2004, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on February 24, 2004. The claimant did participate. The employer did participate through Cheryl Mulligan, President of the Board, and Julie Cooper, Director.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as an administrative assistant full time beginning January 11, 2000 through December 19, 2003 when she voluntarily resigned. The claimant resigned from her position in a letter dated October 6, 2003, which was accepted by the board of directors on

October 16, 2003. The claimant's letter of resignation clearly indicated that she was leaving due to her marriage problems and that her last day would be December 19, 2003. The claimant then put in an application for additional employment on December 11, 2003 that clearly indicates that she was making application for employment. The claimant was not offered any additional employment after she submitted her resignation. Ms. Cooper did not have the authority to hire staff; that was the responsibility of the board of directors.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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 proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2 (amended 1998). The claimant resigned her employment for personal reasons due to marriage problems. She was not offered any additional employment after her resignation was accepted. Her leaving was without good cause attributable to the employer. Benefits are denied.

DECISION:

The January 23, 2004, reference 02, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

tkh/b