

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL TSCHAMPL
Claimant

APPEAL NO: 11A-UI-03181-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LUTHERAN SERVICES IN IOWA INC
Employer

OC: 02/06/11
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Michael Tschampl (claimant) appealed an unemployment insurance decision dated March 10, 2011, reference 02, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Lutheran Services in Iowa (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 6, 2011. The claimant participated in the hearing. The employer participated through Leah Churchhill, School Liaison. 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:

The issue is whether the claimant's voluntary separation qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time campus youth specialist from August 17, 2009 through February 11, 2011 when he voluntarily quit. He went prn on January 11, 2011 but then quit completely. The claimant told the employer he was quitting because he got the chance to go to school.

The claimant now contends he quit because of an unsafe work environment. He also testified that he wanted to quit before he got fired.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

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.

871 IAC 24.25(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:

(26) The claimant left to go to school.

At the time he left, the claimant testified he told the employer he was quitting to go school. He now claims he quit because of an unsafe work environment. The claimant's explanation for quitting is found to be more credible at the time he left as opposed to now when he is fighting for unemployment insurance benefits. When asked why he never mentioned to the employer that he was quitting due to an unsafe environment, he said he never thought of it. The preponderance of the evidence confirms that he quit to go to school.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated March 10, 2011, reference 02, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css