

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB A MATTHEWS
Claimant

APPEAL NO. 09A-UI-03352-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AUDUBON WHSLE VET SUPPLY INC
Employer

OC: 01/11/09
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 20, 2009, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 25, 2009. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Scott Benton participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a feed mill operator from May 2008 to January 2, 2009. His shift was from 7:00 a.m. to 3:00 p.m. or later as needed.

The claimant decided to enroll in college for the spring 2009 semester, which was to start on January 12, 2009. He approached the owner-manager, Scott Benton, about continuing to work as the mill operator outside of his school schedule. Benton initially said he would consider it, but a short time later informed the claimant that the proposal would not work because the milling and feed deliveries needed to be done during normal daytime hours.

The claimant worked on January 2, 2009. He was absent from work on January 5, 2009. On January 6, Benton asked the claimant if he still intended to start school on January 12. The claimant told him yes. Benton told him that the employer would pay him for the rest of the week because the claimant had unused vacation. The claimant agree to this and left employment to attend school. If the claimant had chosen not to attend school, his job would have still been available.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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 unemployment insurance law states that an employee who voluntarily quits work to attend school is presumed to have quit without good cause attributable to the employer. 871 IAC 24.25 (26). The employer never agreed to allow the claimant to continue to work in his job while attending school. Continuing work would have been available for the claimant if he had not chosen to attend school. He voluntarily quit employment without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated February 20, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw