

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KESHA D WILLIAMSON
Claimant

APPEAL NO. 11A-UI-11777-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LITTLE LEARNERS ACADEMY
Employer

OC: 07/31/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dissatisfaction of the Work Environment
871 IAC 24.25(37) – Resignation

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 31, 2011, reference 01, that held she voluntarily quit employment without good cause on July 29, 2011, and benefits are denied. A telephone hearing was held on September 29, 2011. The claimant did not participate. Susan Stohr, owner, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began part-time work as a child care teacher on April 18, 2011, and last worked for the employer on July 29, 2011. The claimant gave two weeks' notice and submitted a written resignation on July 11 stating she was quitting due to a dispute about requesting time off from work. The employer accepted the resignation and claimant worked her notice period.

Claimant failed to respond to the hearing notice.

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.

871 IAC 24.25(21) and (37) 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 section 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 section 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:

(21) The claimant left because of dissatisfaction with the work environment.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on July 29, 2011, due to job dissatisfaction. She resigned employment on July 11 effective July 29.

The employer accepted claimant's resignation, which allowed her to work for more than two weeks beyond the submission date. If claimant felt she was the subject of discrimination, she would not have continued employment under any circumstance. The employer has the right to accept or reject requests for time off.

DECISION:

The department decision dated August 31, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on July 29, 2011. Benefits are denied until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw