

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDRA R PETERSON
Claimant

APPEAL NO. 12A-UI-11780-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PAPETTI'S OF IOWA
Employer

OC: 09/09/12
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated October 2, 2012, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on October 29, 2012. The claimant participated personally. The employer participated by Ms. Lisa Ensign, Human Resource Representative.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Sandra Peterson was employed by Papetti's of Iowa from April 13, 2007 until August 27, 2012 when she voluntarily left her employment stating only "personal" as the reason for leaving. Ms. Peterson coincided her leaving employment with the beginning of educational classes that she had enrolled in.

Ms. Peterson made a decision to leave her employment with Papetti's in order to pursue her educational goals. The claimant felt that she was making a good personal decision because she believed that she was not physically able to continue to perform her work duties as a foot condition had been deteriorating.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes good cause for leaving attributable to the employer. It does not.

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(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 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:

(26) The claimant left to go to school.

An individual who voluntarily leaves their employment must first give notice to the employer of their reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

The claimant in the instant case left employment citing only "personal" as the reason for quitting. The claimant's quitting coincided with the beginning of classes that Ms. Peterson had enrolled in prior to leaving her employment with the company. The administrative law judge concludes based upon the evidence in the record that the claimant's primary reason for leaving her employment on August 27, 2012 was to attend school. Leaving to attend school is a personal good cause reason, however, it is not a good cause reason attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated October 2, 2012, reference 01, is affirmed. The claimant is disqualified. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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