

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY DEW
Claimant

APPEAL NO: 11A-UI-02412-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLEN MEMORIAL HOSPITAL
Employer

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

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Kimberly Dew (claimant) appealed a representative's February 23, 2011 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Allen Memorial Hospital (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 13, 2011. The claimant participated in the hearing. Nicole Larson appeared on the employer's behalf. During the hearing, Employer's Exhibit One was entered into evidence. 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:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on February 24, 2010. She worked part time (about 16 hours per week) as a housekeeper. Her last day of work was January 22, 2011. On January 5 she turned in her notice of resignation, indicating that her intended last day of work would be January 23. She worked a partial day on January 22, but did not work further because she went into labor and gave birth to her child that evening. Her stated reason for tendering her resignation was that she wished to be a stay-home mother.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993);

Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause attributable to the employer.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Quitting work to stay home with her child or children is a good personal reason, but is not a reason attributable to the employer. 871 IAC 24.25(17), (23). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's February 23, 2011 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of January 22, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs