

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIZABETH A SCHULTZ
Claimant

APPEAL NO: 10A-UI-09373-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAVERLY HEALTH CENTER
Employer

OC: 05/30/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(26) – School Conflict

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 22, 2010, reference 01, that held she voluntarily quit employment without good cause on May 31, 2010, and benefits are denied. A telephone hearing was scheduled and held on August 17, 2010. The claimant participated. Tina Miller, HR Specialist, 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 considered the evidence in the record, finds: The claimant worked for the employer as part-time environmental services technician from September 4, 2007 to May 31, 2010. The employer guaranteed the claimant at least 20-hours of work each week.

The claimant started nursing school in August 2008. She was able to work and go to school until she faced nursing clinical work that would begin about June 1, 2010. The claimant asked her supervisor if she could work one-day a week or two days on the weekends. The claimant was told the employer could not change the schedule and she responded with a resignation later on April 13. The employer accepted the resignation, and the claimant continued to work until her nursing school clinical work began.

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(36) 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:

(36) The claimant maintained that the claimant left due to an illness or injury which was caused or aggravated by the employment. The employer met its burden of proof in establishing that the illness or injury did not exist or was not caused or aggravated by the employment.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on May 31, 2010.

The employer is not required to change the claimant's work schedule to accommodate her nursing school curriculum. The claimant's decision to leave is based on a personal matter rather than something attributable to the employer.

DECISION:

The department decision dated June 22, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on May 1, 2010. Benefits are denied until the claimant has worked in and is 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/pjs