

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARAH L CARPENTER
Claimant

APPEAL NO. 07A-UI-05225-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SAYDEL COMMUNITY SCHOOL DISTRICT
Employer

**OC: 04/08/07 R: 02
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Saydel Community School District filed an appeal from a representative's decision dated May 15, 2007, reference 02, which held that no disqualification would be imposed regarding Sarah Carpenter's separation from employment. After due notice was issued, a hearing was held by telephone on June 7, 2007. The employer participated by Joyce Johnson, Business Manager. Ms. Carpenter did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Carpenter was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Carpenter began working for the school district on August 25, 2004 and last performed services on May 24, 2006. She worked full time during the school year as a care giver in the employer's before and after school program. She did not work pursuant to a written contract.

The school district usually gives notice to its non-contract employees, such as Ms. Carpenter, in the spring of one school year that they are expected back beginning in the fall of the next school year. The district notified Ms. Carpenter in the spring of 2006 as to what her pay increase would be when she returned for the 2006-2007 school year. She was also aware that the district intended to expend her duties so that she could become a kindergarten associate. She was expected to return to work on August 23, 2006. Her mother notified the employer that Ms. Carpenter would not be returning to work for the district for the 2006-2007 school year.

REASONING AND CONCLUSIONS OF LAW:

The school district gave Ms. Carpenter reasonable assurance that she would still have employment with the district during the 2006-2007 school year. She would have returned to the same job she performed in the prior school year and would have had increased wages.

Because she did not return to work for the school district, her separation is considered a voluntary quit. See 871 IAC 24.52(11)a. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

The evidence of record does not disclose the reason Ms. Carpenter did not return to work for the school district during the 2006-2007 school year. Inasmuch as the evidence does not establish any good cause attributable to the employer, the separation is a disqualifying event and benefits are denied. Ms. Carpenter may have requalified for benefits by working in other employment after her separation from the school district. It is her responsibility to provide proof of subsequent wages to her local Workforce Development office so that a determination can be made as to whether she has requalified for benefits. No overpayment results from this reversal of the prior allowance as Ms. Carpenter has not been paid benefits on her claim filed effective April 8, 2007.

DECISION:

The representative's decision dated May 15, 2007, reference 02, is hereby reversed. Ms. Carpenter voluntarily quit her employment with the Saydel Community School District for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css