

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DELORIS L FRIMML**

Claimant

**MONTEZUMA MFG**

**DIVISION OF DIEOMATIC INC**

Employer

**APPEAL NO: 12A-UI-14002-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/07/12**

**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit

871 IAC 24.26(4) – Intolerable/Detrimental Working Conditions

Section 96.4-3 – Able and Available

871 24.23(5) – Full-time Student

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated November 19, 2012, reference 02, that held she voluntarily quit without good cause attributable to her employer on October 5, 2012, and benefits are denied. A telephone hearing was held on December 26, 2012. The claimant participated. The employer did not participate. Employer Exhibit 1 and Claimant Exhibit A (appeal documents) was received as evidence.

**ISSUES:**

Whether the claimant voluntarily quit with good cause attributable to the employer.

Whether claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time accounting assistant from January 2, 2012 to October 5. The claimant prepared billing statements for employer business clients. She received a written warning in September for billing practices where she had followed proper procedure. She was given a directive to change her billing practice(s) or she would be terminated. Claimant decided to quit her job rather than risk committing an unethical business accounting practice or violate some governmental regulation on October 5, 2012.

The claimant received her BS degree in criminal justice in May 2012. She is currently enrolled in a Master's degree program as a full-time student. She stated she was not looking for a full-time job, but she would consider part-time employment after the first of the year.

The employer submitted a written statement dated December 20, 2012 denying any unethical business practice, but stating it was not contesting claimant's unemployment benefit.

## **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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The administrative law judge concludes the claimant voluntarily quit with good cause attributable to her employer due to intolerable and/or detrimental working conditions on October 5, 2012.

The claimant has offered evidence that she was subject to an unethical business practice as her good cause for quitting. Although the employer does not admit such an allegation it has chosen not to contest it.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

871 IAC 24.23(5) provides:

(5) Full-time students devoting the major portion of their time and efforts to their studies are deemed to have no reasonable expectancy of securing employment except if the students are available to the same degree and to the same extent as they accrued wage credits they will meet the eligibility requirements of the law.

The administrative law judge further concludes claimant is not currently eligible for benefits because she is pursuing a Master's degree as a full-time student and she is not willing to accept a full-time job.

**DECISION:**

The department decision dated November 19, 2012, reference 02, is modified. The claimant voluntarily quit with good cause attributable to her employer on October 5, 2012. Benefits are denied because claimant does not meet the availability requirements of the law.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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