

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MANDA CADEAU**

Claimant

**APPEAL NO: 13A-UI-06279-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**

Employer

**OC: 04/28/13**

**Claimant: Respondent (2/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's May 15, 2013 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because his employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Chris Rossiter, the employment manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working as a full-time employee on February 7, 2012. The claimant worked as scheduled on March 26, 2013. He called in sick on March 27. On March 28, 29, and April 1, the claimant did not call or report to work.

The claimant came to work on April 2 and told the employer he was quitting effectively immediately because he was going to school.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer discharges him for work-connected misconduct. Iowa Code §§96.5(1), (2)a. The evidence indicates the claimant voluntarily quit his employment on April 2, 2013. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. (Iowa Code § 96.6(2).

The law presumes a claimant is not qualified to receive benefits when he leaves employment to go to school. 871 IAC 24.25(26). Since the employer understood the claimant quit to go to school, the evidence indicates the claimant had compelling reasons to quit but he quit for reasons that do not qualify him to receive benefits. As of April 28, 2013, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant has to pay back any benefits he may have received since April 28, 2013, will be remanded to the Claims Section to determine.

**DECISION:**

The representative's May 15, 2013 determination (reference 01) is reversed. The claimant quit his employment for reasons that do not qualify him to receive benefits. As of April 28, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

The issue of overpayment or whether the claimant has to pay back any benefits he may have received since April 28, 2013, is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs