

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RYAN B WILSON**  
Claimant

**APPEAL NO: 10A-UI-13685-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**R J PERSONNEL INC**  
Employer

**OC: 08/15/10  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(26) – School  
Section 96.4-3 – Able and Available  
871 IAC 24.23(5) – Full-time Student

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 28, 2010, reference 02, that held he voluntarily quit without good cause to go to school on August 10, and benefits are denied. A telephone hearing was held on December 21, 2010. The claimant participated. Holly Jacobi, Account Manager, participated for the employer.

**ISSUES:**

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

Whether the claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began a part-time work assignment at Mahaska Communications as a laborer on June 7, 2010, and he last worked on August 10. The claimant average about 20 to 25 hours each week. About two weeks before claimant left his assignment, he enrolled as a full-time student at William Penn. The claimant started classes on August 21, and he is taking twelve credit hours. It has been difficult for the claimant to find a part-time job, because he is a member of the basketball team. The claimant is available for about ten to fifteen hours of part-time work each week.

**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(26) 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:

(26) The claimant left to go to school.

The administrative law judge concludes that the claimant voluntarily quit without good cause attributable to the employer to enroll as a full-time student effective August 10, 2010.

The claimant enrolled as a full-time student prior to leaving employment on August 10 though his classes did not start until August 21.

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 that the claimant is not able and available for part-time work to the extent he worked for the employer because his work hours are limited due to being a full-time student and playing basketball.

**DECISION:**

The department decision dated September 28, 2010, reference 02, is affirmed. The claimant voluntarily quit without good cause on August 10, 2010. Claimant is not able and available for

work effective August 21, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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