

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

MANDI J ORMAN
Claimant

APPEAL NO. 19A-UI-02589-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**WOODWARD-GRANGER COMM
SCHOOL DIST**
Employer

OC: 03/03/19
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Mandi Orman filed a timely appeal from the March 30, 2019, reference 01, decision that held she was disqualified for benefits and the employer's account would not be charged for benefits, based on the deputy's conclusion that Ms. Orman voluntarily quit on February 27, 2019 without good cause attributable to the employer. After due notice was issued, a hearing was held on April 12, 2019. Ms. Orman participated. Bekka Maass represented the employer. Exhibit A was received into evidence.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mandi Orman was employed by Woodward-Granger Community School District as a full-time Educational Associate until February 25, 2019, when she voluntarily quit to take an unauthorized out-of-state vacation. Ms. Orman's duties involved providing assistance and support to a classroom of special education students. Earlier in the school year Ms. Orman had been absent from her duties for about a month. In early February 2019, Ms. Orman learned that her child had qualified for a rodeo competition in Texas. On February 18, 2019, Ms. Orman appeared before the school board regarding her request to take the week of February 25 through March 3, 2019 in connection with her child's out-of-state competition. Ms. Orman would exhaust her paid leave benefit on February 26 and wanted the school board to approve an additional period of unpaid leave through March 3, 2019. On February 18, 2019, the school board denied Ms. Orman's request. Ms. Orman elected to take the time away from her duties anyway. Ms. Orman traveled out of state and then commenced calling in absences. On February 26, 2019, Ms. Orman left a voice mail message for Grantwood Principal Bekka Maass indicating that she would be absent through March 3, 2019. On February 26, 2019, Principal Maass sent a letter to Ms. Orman's home indicating that the district deemed her employment terminated. Upon her return trip from Texas, Ms. Orman contacted the employer regarding her plan to return to work on March 4, 2019. The employer then emailed a copy of the February 26, 2019 letter to Ms. Orman.

REASONING AND CONCLUSIONS OF LAW:

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson*

Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(25) 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:

(25) The claimant left to take a vacation.

The evidence in the record establishes that Ms. Orman voluntarily quit the employment effective February 25, 2019, when she left the employment to take an unauthorized out-of-state vacation. Ms. Orman voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Orman is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Orman must meet all other eligibility requirements. The employer's account shall not be charged.

DECISION:

The March 30, 2019, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The effective quit date was February 25, 2019. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs