

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JILL A SINDT**  
Claimant

**APPEAL NO: 11A-UI-00440-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAIRY QUEEN**  
Employer

**OC: 07/04/10**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 3, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The determination for reference 02 is identical to reference 01 with the exception that the extension on the employer's account number is slightly different. For reference 01 the number ends -007 and for reference 02 it ends -000. Everything else is identical, the claims deputy, the date, the same decision is issued twice. Since reference 01 and 02 are the same determination, the decisions issued for 11A-UI-00439 and 11A-UI-00440 are also the same.

The claimant participated in a hearing. Elizabeth Erna, the store manager appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits as of October 10, 2010.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working part time for the employer in July or August 2009. She worked an average of 10 hours a week.

In January 2010, the claimant started a nursing program at a local community college. She attended college full time. During her employment, the employer tried to be flexible and work around the claimant's school schedule. If the claimant wanted time off to study, the employer expected her to find her own replacement. In the fall when business slows down not as many employees are scheduled to work. At times during the fall, work is very hectic with just two employees. The claimant's classes, homework, work and home responsibilities became too much for the claimant to handle. The claimant decided she had to quit her part-time job so she would be able to handle the stress in life. She gave the employer a week's notice. The claimant's last day of work was October 9, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she quits because she is attending school. 871 IAC 24.25(26). The claimant quit for compelling personal reasons, but these reasons do not qualify her to receive benefits. Therefore, as of October 10, 2010, the claimant is not qualified to receive benefits from Iowa.

Since the claimant's only wages in her base period are with the employer, the voluntary quit part time job regulation, 871 IAC 24.27, does not apply.

**DECISION:**

The representative's January 3, 2011 determination (reference 02) is affirmed. The claimant voluntarily quit her part-time job for reasons that do not constitute good cause attributable to the employer. The claimant is disqualified from receiving unemployment insurance benefits from Iowa as of October 10, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs