

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RASHMIKABEN S PATEL
Claimant

APPEAL NO. 11A-UI-03385-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALANIZ
Employer

**OC: 02/06/11
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Rashmikaben Patel filed an appeal from a representative's decision dated March 10, 2011, reference 01, which denied benefits based on her separation from Alaniz. After due notice was issued, a hearing was held by telephone on April 7, 2011. Ms. Patel participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Patel was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Patel began working for Alaniz in June of 2008. She was employed full-time as an insert machine operator. She worked a ten-hour shift and had to work mandatory overtime when work was busy. She had plans to take licensing exams in the fall of 2010. In order to have time to study, she asked if she could work shorter hours or take a leave of absence. The employer did not allow either request. Therefore, Ms. Patel quit on July 15, 2010. Her need to have study time was the sole reason for the separation.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Patel quit because her work hours did not leave sufficient time to study for her licensing exams. Her work hours and commitments had remained the same throughout her employment. The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Although the employer controlled her work hours, it was under no obligation to alter her hours or provide a leave of absence so that she could study.

An individual who leaves employment to attend school is disqualified from receiving job insurance benefits. 871 IAC 24.25(26). The administrative law judge believes the same rationale is applicable where an individual leaves employment to study for licensing exams. For the reasons cited herein, it is concluded that Ms. Patel quit without good cause attributable to her employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated March 10, 2011, reference 01, is hereby affirmed. Ms. Patel voluntarily quit her employment without good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw