

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BENJAMIN C ELDER**  
Claimant

**APPEAL NO. 10A-UI-06852-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS HEALTH SYSTEM**  
Employer

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

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Benjamin Elder filed an appeal from a representative's decision dated May 6, 2010, reference 03, which denied benefits based on his separation from Genesis Health System (Genesis). After due notice was issued, a hearing was held by telephone on June 24, 2010. Mr. Elder participated personally. The employer responded to the notice of hearing but the designated witness was not available at the number provided at the scheduled time of the hearing.

**ISSUE:**

At issue in this matter is whether Mr. Elder 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: Mr. Elder's last period of employment with Genesis began in October of 2008. He worked approximately 32 hours each week as a home health aide. He submitted a written resignation indicating he was leaving to continue his education. At the time of hire, he was part-time student at Blackhawk Community College. He worked day hours and attended school during the late afternoon and early evening.

As of January 15, 2010, Mr. Elder was a full-time student. He had classes from 8:00 a.m. until 10:00 a.m., on Mondays, Tuesdays, and Wednesdays and from 10:00 a.m. until 12:00 noon on Fridays. He did not have classes on Thursdays. He notified the employer of his new class schedule in November of 2009. In December, he was told that the employer could not work with his schedule as his availability did not meet its scheduling needs. Therefore, Mr. Elder quit.

**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). Mr. Elder quit in order to devote his efforts to school. An individual who leaves

employment to attend school is presumed to have quit without good cause attributable to the employer. 871 IAC 24.25(26). Inasmuch as there was no other reason for the separation, benefits are denied.

The administrative law judge appreciates that the employer told Mr. Elder at the time of hire that it would work with his school schedule. However, he was a part-time student at the time and was attending school after work hours. It was unreasonable to expect the employer to work around his schedule if he was not available during times when his services were needed.

**DECISION:**

The representative's decision dated May 6, 2010, reference 03, is hereby affirmed. Mr. Elder voluntarily quit his employment with Genesis for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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