

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LATOYA L LEWIS SMITH**  
Claimant

**APPEAL NO. 10A-UI-12353-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TM1 STOP LLC**  
Employer

**OC: 10/25/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(26) – Quit to Go to School

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated August 31, 2010, reference 02, that held she voluntarily quit employment without good cause on June 6, 2010, and that denied benefits. A telephone hearing was held on October 18, 2010. The claimant participated. The employer did not participate.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time telemarketer from November 16, 2009 to June 6, 2010. The claimant requested to take two weeks off prior to June 6, so she could have time to enroll in school. The claimant enrolled as a full-time student on June 20, 2010. When the claimant returned to the employer, she asked to be put on the schedule as a part-time worker, about four hours a day, five days a week. The employer advised claimant would have to re-apply for the part-time position. The claimant finished summer school and enrolled as a full-time student in August.

The employer representative was not available when called for the hearing.

**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 employment without good cause attributable to the employer on June 6, 2010 in order to become a full-time student.

The claimant offered credible testimony that she believed the employer was going to take her back as a part-time employee after she enrolled in school when she left her full-time job on June 6, 2010. The employment separation from full-time to part-time employment is based on going to school to be a full-time student. While this separation is for a good personal reason, it is not a good cause attributable to the employer.

**DECISION:**

The department decision dated August 31, 2010, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on June 6, 2010. Benefits are denied until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw