

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTINE UNGER
Claimant

APPEAL NO: 11A-EUCU-00275-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ALBERT CITY-TRUESDALE
COMM SCHOOL**
Employer

OC: 03-14-10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 10, 2011, reference 05, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 4, 2011. The claimant participated in the hearing. Barb Cady, Superintendent, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time para-professional teacher associate for Albert City-Truesdale Community School District from August 23, 2010 to November 12, 2010. The claimant was working full time, going to Buena Vista full time, and was a single mother to three children. When her grades started dropping the claimant concluded she had taken on too much and she needed to cut back on something. She is scheduled to graduate from college in December 2011 and did not want to quit school so she decided she needed to quit her job to maintain her grades. The employer had continuing work available for her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant did not assert that the working conditions were unlawful, intolerable, or detrimental, or that there was anything negative about working for the employer. She left her job solely because her grades were declining and she is close to graduating and could not maintain a full-time job, school schedule and her family life without something suffering and consequently she chose to give up her job. The claimant initially accepted the job because her unemployment benefits took approximately seven weeks to go into effect upon an extension and she was in financial need. While the claimant had good personal reasons for accepting and then leaving her employment, she has not demonstrated that her leaving was for good cause attributable to the employer and therefore her separation from this employer is a disqualifying event. Iowa law states that an individual who quits employment without cause attributable to the employer should be disqualified even if that individual has given up job insurance benefits to accept the work...Taylor v. IDJS, 362 N.W.2d 534 (Iowa 1985). For the reasons stated above, benefits must be denied.

DECISION:

The March 10, 2011, reference 05, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css