

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TASHA COLLETT
Claimant

APPEAL NO. 10A-UI-14858-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALGREEN CO
Employer

OC: 04/27/08
Claimant: Respondent (2)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Walgreen Company (employer) appealed an unemployment insurance decision dated October 18, 2010, reference 03, which held that Tasha Collett (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 8, 2010. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which she could be contacted and, therefore, did not participate. The employer participated through Jennifer Andreas, Store Manager, and Tom Kuiper, Employer Representative. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a part-time service clerk from November 6, 2009 through May 5, 2010. She was last scheduled to work on April 25, 2010, but was a no-call/no-show. The claimant called Store Manager Jennifer Andreas on April 27, 2010 and voluntarily quit. She said that she is going to nursing school and it is too hard to work while going to school. The employer waited a few days before separating her in the system.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

Iowa Code § 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.

The claimant voluntarily quit on April 27, 2010 because it was interfering with her going to school. The law presumes it is a quit without good cause attributable to the employer when an employee leaves to go to school. 871 IAC 24.25(26).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated October 18, 2010, reference 03, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. There is no overpayment as a result of this decision.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw