

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW J VENARD
Claimant

APPEAL NO. 11A-UI-00729-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COUNCIL BLUFFS PAYROLL COMPANY
Employer

OC: 11/21/10
Claimant: Appellant (1/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 11, 2011 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in January 2010. He worked full-time at night sanitizing food machines. When the claimant worked, he only had a couple nights off from work a month. While the claimant liked his job and made good wages, he wanted to go to school. The claimant knew he could not be both a full-time student, 15 credit hours, and work full-time. The claimant ended his employment on April 16, 2010, so he could go to school full-time.

From April to November 21, the claimant worked part-time for Rich Olson Lawn Care. He earned gross wages of \$1,524.00 from this employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits employment without good cause when he quits to go to school. 871 IAC 24.25(26). The claimant quit his employment for compelling personal reasons,

but these reasons do not qualify him to receive benefits. As of November 21, 2010, the claimant is not qualified to receive benefits.

The claimant's maximum weekly benefit amount is \$230.00. If he earns wages of at least \$2,300.00 after April 16, 2010, he would requalify and potentially be eligible to receive benefits, if he meets all other eligibility requirements. (If the claimant continues to attend school as a full-time student, he may not be available for work.)

Since the claimant has received benefits since November 21, 2010, an issue of overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's January 11, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 21, 2010. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. An issue of overpayment is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw