

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on October 7, 2003. He worked full time as an overnight stocker in the employer's Mason City, Iowa store. His last day of work was September 6, 2005. He had tendered his notice of resignation about three weeks prior, indicating that his last day available for work would be September 8, 2005. The employer did not schedule the claimant to work after September 6 because the claimant had already been scheduled and worked his full time week that week, so September 7 and September 8 were his days off for the week.

The reason for the claimant's resignation was so that he could attend school for truck driving at a community college in Fort Dodge, Iowa. The school was done on a cooperative basis with a number of trucking businesses, so the claimant had a good level of assurance that he would have a position with one of the businesses upon completion of his training. He had desired and sought a transfer from the employer's Mason City store to a store in Fort Dodge, hoping that he could continue his employment while attending the training program, but the Fort Dodge store declined the claimant's transfer. Therefore, the claimant quit his employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for 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.

871 IAC 24.25 provides that, 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 claimant did express his intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The employer did not have a legal obligation to transfer the claimant from one store to the other upon his request. While deciding to end his employment with the employer in order to pursue training as a truck driver is a good personal reason, it is not good cause attributable to the employer. 871 IAC 24.25(26). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's September 28, 2005 decision (reference 02) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of September 6, 2005, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/kjf