

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JENNA RIES
Claimant

APPEAL NO: 20A-UI-08353-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMMUNITY DREAMS INC
Employer

OC: 03/29/20
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 10, 2020, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 27, 2020. The claimant participated in the hearing. Jane Clark, Manager, participated in the hearing on behalf of the employer. The parties waived notice on the separation issue.

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 part-time server for Community Dreams from May 2018 to August 15, 2019. The claimant is a full-time student at the University of Iowa. She voluntarily left her employment with Community Dreams to return to school and chose not to return in 2020 because she was hired by Kids Depot in September 2019.

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, regardless of the source of the individual's wage credits:

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 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.

When a claimant quits work to return to school, the leaving is without good cause attributable to the employer. Because the claimant left her employment to return to school as a full-student, her leaving is not considered to be for good cause attributable to the employer. Therefore, benefits must be denied.

DECISION:

The July 10, 2020, reference 02, decision is reversed. 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

August 31, 2020
Decision Dated and Mailed

je/mh