

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICKOLAS M DAHL**  
Claimant

**APPEAL NO: 11A-UI-04838-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 02/27/11**  
**Claimant: Appellant (1/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 5, 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. Jody Korlesky, a staffing consultant, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 employer assigned the claimant to work for a business the claimant had previously worked for. The claimant started this job on July 6, 2010. The assignment was a temp-to hire job on second shift. The claimant heard this business was going to lay off employees in September. The claimant decided to quit so he could go back to school in the late August 2010. The claimant incorrectly understood that if he did not work for 30 or more days at this assignment, his unemployment status would not change.

The claimant's last day of work was July 20, 2010. He informed the employer he quit so he could go back to school. The claimant went back to school in late August 2010. He has not earned any wages after July 20, 2010.

**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 voluntarily leaves employment without good cause when he leaves to go to school. 871 IAC 24.25(26). The claimant quit so he could go back to school. Even if the employer was going to lay off employees, the employer may have had another job to assign to the claimant then.

The claimant quit his employment for reasons that do not qualify him to receive benefits. As of July 18, 2010, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's April 5, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits until as of July 18, 2010. This disqualification continues 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.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs