

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A EWING
Claimant

APPEAL NO. 11A-UI-06921-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KUM & GO LC
Employer

**OC: 03/27/11
Claimant: Appellant (4)**

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 5, 2011 (reference 01) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on June 20, 2011. Claimant participated. Employer participated through General Manager Rhonda Rick.

ISSUE:

The issue is whether quit.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked part-time as a cashier from 4 p.m. to 11 p.m. for four years and was separated from employment on February 19, 2011. He quit to go to school and because of the excessive overtime hours he was getting the last several months at Electrolux. He did not speak with General Manager Rhonda Rick to see if she could accommodate his school hours. He continued to work at Electrolux 40 hours regular time and 20 hours overtime (time and a half) at \$17.45 per hour, Monday through Friday, until the plant closed on March 31, 2011.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer but has requalified for benefits.

Iowa Code § 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

Claimant's decision to quit to attend school and because his hours at the other employment were too much to handle in addition to this job were not good cause reasons for leaving the employment. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 281703) shall not be charged.

DECISION:

The May 5, 2011 (reference 01) decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw