

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PETER T KIARIE
Claimant

APPEAL NO. 11A-UI-16383-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CLAREMONT'S RAMSEY VILLAGE LLC
Employer

OC: 11/13/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 19, 2011, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 25, 2012. Claimant participated. The employer participated by Brenda Earlbeck Craninger, director of nursing, and Christine Thoms, office manager. The record consists of the testimony of Peter Kiarie; the testimony of Brenda Earlbeck Craninger; Claimant's Exhibit A; and Employer's Exhibit One. Christine Thoms did not testify.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a long term care facility. The claimant was hired on May 11, 2011 as a full-time employee. The claimant also had a full-time job at Pinnacle and a prn job at Rescare. On August 20, 2011, the claimant gave a two-week notice of his intent to resign his position in order to go to school. (Exhibit 1) The claimant intended to go to truck driving school at DMACC. The claimant was scheduled to work through September 4, 2011. He only worked through August 29, 2011, and did not report for his scheduled shifts after August 29, 2011.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.25(26) provides:

Voluntary quit without good cause. 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 employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa

Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. 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.

The evidence established that it was the claimant who initiated the separation of employment. He gave a written notice of his intent to resign his position and his stated reason for resigning was that he was going to school. The claimant also had another full-time job and a prn job in addition to his full-time job with this employer. Iowa law is clear that if a claimant resigns his position in order to attend school, he is considered to have voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated December 19, 2011, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs