

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK W EDMONDSON
Claimant

APPEAL NO. 11A-UI-06813-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COUNCIL BLUFFS COMM SCHOOL DIST
Employer

OC: 05/01/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Mark W. Edmondson (claimant) appealed a representative's May 20, 2011 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from the Council Bluffs Community School District (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 16, 2011. The claimant participated in the hearing. Tom Kuiper of TALX Employer Services appeared on the employer's behalf and presented testimony from one witness, Brandi Gabrick. During the hearing, Employer's Exhibit One was entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

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 August 27, 2003. He worked full-time as a special education para-educator. His last day of work was December 21, 2010.

On October 19, 2010, the claimant sent the employer an email with a resignation notice, indicating that he was ending his employment as of the end of the semester. His reason for resigning was that he was going to do student teaching in the spring semester as needed to complete his studies to receive his teaching degree. The claimant had been taking college classes at night during his employment with the employer. He chose to resign rather than to seek a leave of absence from the employer, as he needed to have a full separation from employment in order to collect his accrued IPERS retirement contributions, which he chose to withdraw to cover his expenses during his student teaching. If the claimant had not chosen to resign to do his student teaching, continued employment with the employer was available for him after December 21.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he 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. Quitting for educational purposes is a good personal reason but not one attributable to the employer. 871 IAC 24.25(26). Likewise, quitting in order to receive funds from a retirement account where continued work was available with the employer is not a good cause attributable to the employer. 871 IAC 24.25(24). While the claimant's reason for quitting was a good personal reason, it was not attributable to the employer and not for a non-disqualifying reason. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's May 20, 2011 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of December 22, 2010, 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.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw