

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY S RAMSEY**  
Claimant

**APPEAL NO. 06A-UI-09739-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RUBBERMAID INC**  
Employer

**OC: 08/27/06 R: 03**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Kimberly Ramsey filed a timely appeal from the September 28, 2006, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on October 18, 2006. Ms. Ramsey participated. Human Resources Administrator Diane Fenton represented the employer. Claimant's Exhibits A and B were received into evidence.

**ISSUE:**

Whether Ms. Ramsey's voluntary quit to attend school was for good cause attributable to the employer. It was not.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Kimberly Ramsey was employed by Rubbermaid as a full-time production worker from January 23, 2003 until May 27, 2006, when she voluntarily quit to attend school. Ms. Ramsey provided the employer with written two-week notice. Ms. Ramsey wanted to amend her employment from full-time to part-time, but Rubbermaid did not directly employ part-time employees. Rubbermaid continued to have full-time employment available to Ms. Ramsey. After Ms. Ramsey separated from the full-time employment with Rubbermaid, she went to work for a temporary employment agency and was assigned to Rubbermaid on a part-time basis effective June 10, 2006.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence in the record establishes that Ms. Ramsey's voluntary quit was for good cause attributable to the employer. It does not.

Iowa Code section 96.5-1 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Where an employee voluntarily quits employment to go to school, the quit is deemed to be without good cause attributable to the employer. See 871 IAC 24.25(26).

The evidence in the record indicates that Ms. Ramsey had compelling personal reasons for leaving the full-time employment with Rubbermaid. Though Ms. Ramsey's decision to return to school is admirable, her quit for this purpose was not for good cause attributable to the employer. Because Ms. Ramsey voluntarily quit the employment without good cause attributable to the employer, Ms. Ramsey is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Ramsey.

**DECISION:**

The Agency representative's September 28, 2006, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs