

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER N KIMBLE
Claimant

APPEAL NO. 09A-UI-10249-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CLINTON COMMUNITY SCHOOL DIST
Employer

OC: 10-05-08
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 15, 2009, reference 07, decision that denied benefits. After due notice was issued, a hearing was held on August 11, 2009. The claimant did participate. The employer did participate through Jess Terrell, Human Resource.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a Para-Educator full time beginning December 1, 2008 through April 22, 2009 when she voluntarily quit.

The claimant took time off to go to Colorado to deal with her boyfriend's sick child and his personal legal problems. She was to be gone only four or five working days but was gone from the end of April through June 1 when she returned to Iowa. When the claimant left she was out of leave time and had no sick time to use. She did not follow the proper procedures to request a leave of absence from the employer but instead notified the school principal on April 22 that she would not be back until she could resolve the issues that took her to Colorado. The claimant asked the principal to replace her. Continued work was available for the claimant if she had come back from Colorado after the four or five day absence she was granted.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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.

871 IAC 24.25(20) 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). An employer is not obligated to grant a leave of absence request. The administrative law judge is persuaded that the claimant chose not to come back to Iowa but asked to be replaced. Her decision to leave her job to deal with her personal issues may have been based upon good personal reasons but it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The July 15, 2009, reference 07, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs