

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JORDAN A BROWN
Claimant

APPEAL NO. 17A-UI-09035-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALORICA INC
Employer

OC: 11/20/16
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jordan Brown (claimant) appealed a representative's August 16, 2017, decision (reference 04) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Alorica (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 21, 2017. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on or about January 15, 2015, as a full-time call center representative. In August 2016, the claimant became a part-time employee when he returned to school full time. He worked 6:00 a.m. to 11:00 a.m. Monday through Wednesday and 6:00 a.m. to 2:00 p.m. on Saturday and Sunday. The claimant attended school from 11:30 a.m. to 3:00 p.m.

The employer planned to switch to a new client in December 2016, and all staff had to attend a three-week training course in November 2016. The employer offered the claimant training from 3:00 p.m. to 11:00 p.m., 6:00 a.m. to 2:00 p.m., or 8:00 a.m. to 5:00 p.m. The claimant refused all training because it interfered with his class scheduled. He quit work on November 29, 2017, because he was a full-time student and it interfered with his work schedule. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(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 section 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 section 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intent to leave employment was evidenced by his words and actions. He told the employer he was quitting and left work. When a claimant quits work to attend school, the leaving is without good cause attributable to the employer. The claimant had to make a personal choice. He chose to quit work rather than slightly modify his school schedule. His leaving is without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's August 16, 2017, decision (reference 04) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs