

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THEOGENE NSHIMIYIMANA**  
Claimant

**APPEAL NO: 14A-UI-02848-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KELLY SERVICES INC**  
Employer

**OC: 02/09/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's February 27, 2014 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit for reasons that do not qualify him to receive benefits. The claimant participated at the April 7 hearing. Lori Smith, the district manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started the most recent job assignment with the employer on August 9, 2013. The claimant worked full time while also attending college. The claimant expects to graduate in May 2014.

The claimant decided he could not continue to work full time, including overtime hours, and finish his last semester of classes at the same time. The claimant resigned with an effective date of February 1, 2014, so he could focus on his classes and graduate in May 2014.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). The law presumes a claimant quits without good cause when he leaves to attend school. Iowa Admin. Code r. 871-24.25(6).

The claimant established compelling reasons for quitting, but quitting so he could focus on classes his last semester does not qualify him to receive benefits. As of February 9, 2014, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's February 27, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons, but these reasons do not qualify him to receive benefits. As of February 9, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs