

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARACELI HURTADO
Claimant

APPEAL NO. 06A-UI-10146-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PEARSON GOVERNMENT SOLUTIONS INC
Employer

**OC: 09/03/06 R: 03
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 11, 2006, reference 04, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 1, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Laurie Sherman participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full-time for the employer from November 2, 1998, to December 13, 2005, when she quit employment to travel back to her native country. She was rehired full-time as a temporary information specialist on a temporary basis on February 5, 2006. There was no definite date for her employment to end when she was hired.

On August 2, 2006, the claimant quit her employment to get prepared to attend school. At the time she quit, the employer had continuing work available for her and had not announced any definite layoff date. In fact, the claimant had high-demand skills and likely would not have been laid off at all.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The claimant quit employment to attend school for reasons not attributable to the employer. The unemployment insurance rules provide that a worker is not subject to the voluntarily quit disqualification if she left employment before the date of a scheduled layoff. 871 IAC 24.26(13). In this case, however, there was no announced layoff and the claimant would likely have continued with employer until at least the date of the hearing in this case because of her high-demand skills as a bilingual worker.

DECISION:

The unemployment insurance decision dated October 11, 2006, reference 04, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/cs