

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRIE M. COFFEE
Claimant

APPEAL NO. 09A-UI-09757-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SIOUX CENTRAL COMM SCH DIST
Employer

OC: 05/31/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 1, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 22, 2009. Claimant participated. Employer participated by Angela Smith, business manager and school board secretary, and Dan Frazier, superintendent of schools. The record consists of the testimony of Sherrie Coffee; the testimony of Angela Smith; and the testimony of Dan Frazier.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked as a preschool assistant. On May 28, 2009, she submitted a written letter to the employer indicating that she was giving her two-week notice and would be resigning her position. The claimant was given an offer to continue as a preschool assistant but she returned that offer unsigned. She is pursuing a position as a substitute teacher at the present time.

REASONING AND CONCLUSIONS OF LAW:

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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.

The evidence is uncontroverted in this case that the claimant voluntarily quit her job without good cause attributable to the employer. The claimant submitted a voluntary resignation to the business manager for the school on May 28, 2009. She resigned in order to pursue a job as a substitute teacher. She did not accept the employer's offer to work as a preschool aide for the following school year. The claimant initiated the separation of employment by resigning her position. As the claimant intended to sever the employment relationship and did so by resigning, benefits are denied.

DECISION:

The decision of the representative dated July 1, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs