

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GREGORY E BUELOW
Claimant

CBRE INC
Employer

APPEAL 19R-UI-05664-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/21/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On May 24, 2019, Gregory Buelow (claimant) filed an appeal from the May 21, 2019, reference 03, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with CBRE, Inc. (employer) for personal reasons which does not constitute good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was scheduled for June 20, 2019. The claimant did not register for the hearing and no hearing was held. A default decision was issued. The claimant appealed the decision to the Employer Appeal Board (EAB) who remanded the case for another hearing. The parties were properly notified about the new hearing which was held on August 8, 2019 and consolidated with the hearing for appeal 19R-UI-05665-SC-T. The claimant participated personally. The employer participated through Manager Casey Radley and Senior HR Manager Gia Fisher. The employer offered a copy of a resignation letter which it sent to the claimant for the first hearing. The claimant denied receiving the document. The offered document was not admitted into the record.

ISSUES:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds the facts of the case are uncontested. The claimant was employed full-time as a Building Engineer beginning on October 1, 2018, and was separated from employment on April 12, 2019, when he quit. The claimant's house in Iowa was destroyed by spring flooding. The claimant temporarily lived in hotels; however, he soon ran out of funds. The claimant decided to move to Mississippi where he could live with relatives while he recovered from the impact of the flood. The claimant gave a two-week notice and moved shortly after April 12.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

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 provides, in relevant part:

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:

...

(2) The claimant moved to a different locality

...

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

...

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case, the claimant was the victim of a natural disaster and lost his home. As a result, the claimant decided to leave his job in Iowa and move to a different locality to find stable, affordable housing with family. While the claimant's decision to leave for personal reasons was understandable, it was not for a good-cause reason attributable to the employer according to Iowa Employment Security law. Therefore, benefits must be denied.

DECISION:

The May 21, 2019, reference 03, unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn