

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL KINGSBURY**  
Claimant

**APPEAL NO: 10A-UI-00773-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**INTERNATIONAL INGREDIENT CORP**  
Employer

**OC: 12/13/09**  
**Claimant: Appellant (1)**

Iowa Code section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Michael Kingsbury (claimant) appealed an unemployment insurance decision dated January 8, 2010, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with International Ingredient Corporation (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 23, 2010. The claimant participated in the hearing. The employer participated through Lisa Filkins, Vice-President of Human Resources and Carrie Harmon, Human Resources Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

**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 employed as a full-time laborer from February 26, 2007 through August 29, 2009. He submitted a written resignation dated August 3, 2009 which stated he was voluntarily quitting effective August 28, 2009 because he was moving to Illinois. The claimant moved from Albia, Iowa to Lindenwood, Illinois.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1. The evidence demonstrates the claimant voluntarily quit on August 29, 2009. It is his burden to prove that the voluntary quit was for a good reason that would not disqualify him. Iowa Code section 96.6-2.

871 IAC 24.25(2) 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:

(2) The claimant moved to a different locality.

The claimant voluntarily quit because he moved to Illinois. While he may have had compelling personal reasons to voluntarily quit his employment, these reasons do not constitute good cause attributable to the employer. Benefits are therefore denied.

**DECISION:**

The unemployment insurance decision dated January 8, 2010, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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