

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD P BREWINGTON
Claimant

APPEAL 16A-UI-12017-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

M A FORD MFG CO INC
Employer

OC: 10/16/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(2) – Move to a Different Locality

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 1, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit employment to move to a different locality. The parties were properly notified of the hearing. A telephone hearing was held on November 28, 2016. The claimant, Richard Brewington, participated. The employer, M.A. Ford Manufacturing Company, Inc., participated through Kelly Markhan, safety and work comp coordinator; Ben Tiffner, plant manager; and Jeremy Draper, grinding manager. Employer's Exhibit 1 was received and admitted into the record without objection.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a machine operator, from June 16, 2014, until July 22, 2016, when he quit. The family claimant was living with moved out of the area, and claimant could no longer afford to stay in the region. Claimant moved to California to reside with family. Claimant testified that he had no work-related reasons to end his employment. Claimant submitted a two-week notice on July 7, 2016. (Exhibit 1) Claimant was allowed to work through his final two weeks and end his employment on July 22. Continued work was available, had claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code §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.

Iowa Admin. Code r. 871-24.25 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.

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). Claimant voluntarily ended his employment because he could no longer afford to live in the area. This decision, while certainly good cause, is not attributable to claimant's employer. A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant submitted a notice of resignation and ended his employment with the employer. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The November 1, 2016, (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

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