

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHEAL R MILES**  
Claimant

**APPEAL NO. 07A-UI-07452-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE AMERICAN BOTTLING COMPANY**  
Employer

**OC: 07/08/07 R: 12  
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 27, 2007, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 20, 2007. Claimant participated. Employer participated by Robert Jones, Division Manager.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 1, 2007. Claimant claims Huttig Arkansas as his primary residence. Claimant while visiting his mother in Iowa found a job with this employer in November of 1996. Claimant would commute back and forth from Iowa to Arkansas some 875 miles. Claimant became weary of being away from his family. Furthermore, his wife's parents became ill requiring more attention from his spouse. Claimant quit to move back home with his family.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he needed to relocate to a new locality. While claimant's story is very compelling there is no rule or case that supports allowance of unemployment. Claimant knew the commuting distance at the time he hired on. Claimant's reasons for quitting were not due to actions of employer. This is a quit for personal reasons, very good personal reasons. A personal reason is not sufficient to allow benefits no matter how compelling. Benefits withheld.

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.

871 IAC 24.25(2), (30) 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.

(30) The claimant left due to the commuting distance to the job; however, the claimant was aware of the distance when hired.

**DECISION:**

The decision of the representative dated July 27, 2007, 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.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs