

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLEY P HICKLE

Claimant

APPEAL NO. 11A-UI-06071-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

CASEY'S GENERAL STORES

Employer

OC: 12/05/10

Claimant: Appellant (4-R)

Section 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit of Part-Time Employment

STATEMENT OF THE CASE:

Kimberley Hickle filed a timely appeal from the April 27, 2011, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on June 2, 2011. Ms. Hickle did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Katie Brunning, store manager, represented the employer.

ISSUES:

Whether Ms. Hickle's voluntary quit was for good cause attributable to the employer.

Whether Ms. Hickle's voluntary quit disqualifies her for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Kimberley Hickle was employed by Casey's as a part-time cashier from August 2009 and last performed work for the employer on Sunday, April 3, 2011. On the following Wednesday, Ms. Hickle contacted Store Manager Katie Brunning to advise that she was in Kansas, had moved to that state, and would not be returning to the employment. Ms. Brunning learned from another employee that Ms. Hickle had been having problems in her marriage, had packed her belongings, and had left for Kansas on Sunday night, April 3, 2011. The employer continued to have work available for Ms. Hickle at the time she voluntarily separated from the employment.

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.

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.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits, may receive reduced benefits based on the other base period wages. See 871 IAC 24.27.

Ms. Hickle failed to participate in the hearing and thereby failed to present any evidence to support an allegation that she quit for good cause attributable to the employer. The evidence in the record indicates that Ms. Hickle quit to relocate to another locality and due to marital issues. A quit based on the marital issues would be deemed a quit for personal reasons and not for good cause attributable to the employer. A quit to relocate to a new locality is also deemed a quit for personal reasons and not for good cause attributable to the employer. See 871 IAC 24.25(2).

Ms. Hickle voluntarily quit the employment without good cause attributable to the employer. Casey's will not be charged for benefits paid to Ms. Hickle. Ms. Hickle is disqualified for benefits *based on wage credits earned through the Casey's employment* until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. Ms. Hickle would be eligible for reduced benefits based on base period wage credits from employment other than Casey's provided she meets all other eligibility requirements. This matter will be remanded for determination of Ms. Hickle's eligibility for reduced benefits.

DECISION:

The Agency representative's April 27, 2011, reference 03, decision is modified as follows. The claimant voluntarily quit the part-time employment without good cause attributable to the employer. Casey's will not be charged for benefits paid to the claimant. The claimant is disqualified for benefits *based on wage credits earned through the Casey's employment* until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant would be eligible for reduced benefits based on base period wage credits from employment *other than Casey's*, provided she meets all other eligibility requirements. This matter is remanded for determination of the claimant's eligibility for reduced benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw