

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA HERUBIN

Claimant

APPEAL NO: 13A-UI-06371-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EDGEWOOD MINOT SENIOR LIVING

Employer

OC: 04/07/13

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Rebecca Herubin (claimant) appealed an unemployment insurance decision dated May 23, 2013, reference 02, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Edgewood Minor Senior Living (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 July 8, 2013. The claimant participated in the hearing. The employer participated through Becca Schmaltz, Human Resources Assistant. This case was heard by Administrative Law Judge Julie Elder. Before a decision could be issued Judge Elder went on an indefinite leave of absence. The case was re-assigned to Administrative Law Judge Susan Ackerman per direction from lead worker Administrative Law Judge Teresa Hillary. Judge Ackerman is hereby issuing a decision based upon the taped recording of the hearing and the exhibits admitted into the record.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her 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 hired on October 12, 2012 as a full-time licensed practical nurse. She gave her 30-day notice to quit on March 1, 2013 with an effective date of March 31, 2013. The claimant quit to move to Iowa to be with her family.

The employer discharged her prior to the effective date of her resignation on March 25, 2013. She was discharged because she used the employer's equipment to print 15 pages from her Facebook page. The claimant had ordered it to be printed during the night shift but it failed to print and printed on the following day. Her actions were contrary to policy and the employer discharged her without prior warnings.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

On March 1, 2013, the claimant gave her 30 day notice to quit because she was moving to Iowa to be with her family. Quitting to move to a different locality is presumed to be a voluntary quit without good cause attributable to the employer. 871 IAC 24.25(2).

The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code § 96.6-2. While she may have had compelling personal reasons to voluntarily quit her employment, these reasons do not constitute good cause attributable to the employer. Benefits are therefore denied.

It should be noted that when an individual is discharged prior to an effective date of resignation, benefits are allowed from the last day worked until the effective date of the resignation, unless the claimant was discharged for work-connected misconduct. 871 IAC 24.25(38). In the case herein, the claimant was discharged one week prior to the effective date of her resignation and would be eligible for unemployment insurance benefits for the week ending March 30, 2013. However, she did not file her claim until April 7, 2013, so this code section is not applicable.

DECISION:

The unemployment insurance decision dated May 23, 2013, reference 02, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css