

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NORMAN L JOHNSON
Claimant

APPEAL NO: 10A-UI-14880-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 09/05/10
Claimant: Appellant (1/R)

Section 96.5-1 – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 18, 2010 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant and Holly Carter, the employer's unemployment insurance specialist, participated in the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started his first job assignment for the employer in May 2007. He worked at four assignments. The claimant started the last assignment at Dean Foods, a temp-to-hire job, on September 9, 2009.

When the claimant worked at Dean Foods, he lived with friends. He sent money to his family in Georgia. In October 2009, the claimant could no longer stay with his friends. The claimant did not want to stay at a motel for financial reasons. The claimant concluded that he would not be able to send money to his family if he had to stay at a motel. The claimant informed the employer and his Dean Food's supervisor that he had to quit to move back to Georgia because he had no place to live. The claimant understood from both the employer and his Dean Food's supervisor that he could be rehired. The claimant's last day of work was October 15, 2009. The claimant has not worked since October 15, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive

benefits. Iowa Code § 96.6-2. The law presumes a claimant voluntarily quits employment without good cause when he leaves employment to move to another locality. 871 IAC 24.25 (2).

When the claimant no longer had a place to stay, he decided it was not economically feasible for him to stay at a motel because he wanted to continue sending money to his family in Georgia. The claimant's job was not in jeopardy when he decided to resign and move back to Georgia. The claimant established compelling personal reasons for quitting. His reasons do not, however, qualify him to receive benefits. As of October 15, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's October 18, 2010 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive benefits. As of October 15, 2009, the claimant is not qualified to receive benefits. The employer's account will not be charged. An issue of whether the claimant has been overpaid benefits that he received in a previous benefit year is **Remanded** to the Claims Section to investigate.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css