

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA D NEWSOME

Claimant

APPEAL NO. 06A-UI-10402-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC

Employer

**OC: 09/10/06 R: 12
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Lisa Newsome filed an appeal from a representative's decision dated October 18, 2006, reference 03, which denied benefits based on her separation from Hy-Vee, Inc. After due notice was issued, a hearing was held by telephone on November 8, 2006. Ms. Newsome did not participate personally but through her legal guardian, Daimah Hameed. The employer participated by Sue Hirschman, Human Resources Manager, and was represented by David Williams of Talx Corporation.

ISSUE:

At issue in this matter is whether Ms. Newsome was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Newsome was employed by Hy-Vee, Inc. from October 1 until December 22, 2005. She worked from 10 to 15 hours each week as a courtesy clerk. She left the employment to relocate to Georgia to live with her aunt, who is her legal guardian. She did not have any other reason for leaving the employment. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

Ms. Newsome quit her employment with Hy-Vee, Inc. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Ms. Newsome left her employment to move out of state. This was not a matter over which Hy-Vee, Inc. had any control.

An individual who quits employment to move to a different locality is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(2). Although Ms. Newsome

had good personal cause for leaving her employment, the cause was not attributable to her employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated October 18, 2006, reference 03, is hereby affirmed. Ms. Newsome quit her employment with Hy-Vee, Inc. for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs