

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAYLISHA WRIGHT**  
Claimant

**APPEAL NO: 13A-UI-11799-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NCS PEARSON INC**  
Employer

**OC: 09/08/13**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving  
871 IAC 24.25(2) – Voluntary Quit to Move

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the October 8, 2013, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on November 14, 2013. The claimant did not respond to the hearing notice, as evidenced by the absence of her name and number on Clear2There, and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Cathy Mollman, Senior Human Resources Generalist; Bob Axtell, Manager of Security Processing; and Dan Kollski, Employer Representative, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment to move.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time associate machine operator for NCS Pearson from March 19, 2006 to October 2, 2012. The claimant sent the employer an email October 2, 2012, stating she was voluntarily quitting to move to another state. Continued work was available with this employer.

The claimant filed a claim for unemployment insurance benefits with an effective date of September 8, 2013. She has made weekly claims for benefits but has not received any benefits because her claim is locked due to the fact she has not earned at least \$250.00 and the employer's account has not been charged.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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) 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). In order for benefits to be allowed, the reason for leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer.

While the claimant's decision to quit to move to another area may have been based upon good personal reasons, she has not demonstrated a good-cause reason attributable to the employer for leaving. (emphasis added). Therefore benefits must be denied.

**DECISION:**

The October 8, 2013, reference 02, decision is reversed. The claimant voluntarily left her employment without 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 benefit amount, provided she is otherwise eligible. The claimant has filed a weekly claim for benefits since the effective date of her claim but because she had not earned at least \$250.00 in insured wages her claim has been locked and she has not received any benefits. The employer's account has not been charged.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css