

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA A PLUMMER
Claimant

APPEAL NO. 13A-UI-07871-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA BRAILLE AND SIGHT
SAVING SCHOOL**
Employer

OC: 05/19/13
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
Section 871 IAC 23.43(9)a – Relief of Charges

STATEMENT OF THE CASE:

Iowa Braille and Sight Saving School (employer) appealed a representative's June 25, 2013 decision (reference 01) that concluded Lisa Plummer (claimant) was separated from employment and the employer would not be relieved of charges. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 29, 2013. The claimant participated personally. The employer participated by Justin Ruegg, Director of Human Resources.

ISSUE:

The issue is whether the employer's account may be relieved of charges.

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 August 13, 2009, as a full-time driver for a sight impaired teacher. On July 19, 2012, the claimant informed the employer she would not be returning to work. The claimant moved to California due to the death of a family member. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer that she was leaving and quit work. When an employee quits work because she is moving to a different location, her leaving is without good cause attributable to the employer. The claimant left work because she was moving to a different locality. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's June 25, 2013 decision (reference 01) is reversed. The claimant would not be eligible to receive unemployment insurance benefits under Iowa Law. Therefore, the employer should be relieved of charges.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css