

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TAMARA S TABER**  
Claimant

**PARAMARK CORP**  
Employer

**APPEAL NO. 19A-UI-00344-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/16/18  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 3, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 29, 2019. Claimant participated. Employer participated by Kate Slater.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 23, 2018. Claimant voluntarily quit on that date. In claimant's notice of quit, she stated a need to be closer with her family. Claimant's family moved to Texas within a week of claimant's quit. In claimant's resignation letter she also spoke of her desire to be rehired by employer the next spring when she planned on returning from Texas.

Claimant stated that the other main reason for her quit was because of the high stress level of the job. She stated that over the last year and a half of her employment the work load had been very great and was very stressful. Claimant's supervisor agreed that they were operating under a heavy workload.

At the time of claimant's quit, there was ongoing work available to her.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because her family was moving to Texas.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, the stress of the job didn't create the necessity for claimant to quit. The stress had remained the same for the last year and a half. What had changed was claimant's residence as it was about to change to Texas. As claimant admitted she was going to move with her family irrespective of the work stress, the administrative law judge cannot find that claimant's quit was attributable to the stress rather than the fact that her family was moving to Texas.

#### **DECISION:**

The decision of the representative dated January 3, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

---

Blair A. Bennett  
Administrative Law Judge

---

Decision Dated and Mailed

bab/scn