

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

QUENTIN KOCHER
Claimant

APPEAL NO: 14A-UI-09170-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROCHESTER ARMORED CAR CO INC
Employer

OC: 08/17/14
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 4, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 24, 2014. The claimant participated in the hearing. The employer did not respond to the hearing notice by providing a phone number where it could be reached at the date and time of the hearing as evidenced by the absence of a name and phone number on the Clear2There screen showing whether the parties have called in for the hearing as instructed by the hearing notice. The employer did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left his 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 security guard for Rochester Armored Car Company from August 28, 2008 to August 15, 2014. The claimant gave the employer a two-month informal notice and then a two-week formal notice that he was resigning to move to Humboldt from Cerro Gordo County because his fiancé was prohibited by her divorce decree from moving outside Humboldt County in order to accommodate her ex-husband's relationship with their children. The claimant did not want to leave his job and the employer had continuing work available had he stayed but he had to move due to compelling personal reasons.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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.

Iowa Admin. Code r. 871-24.25(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). (Emphasis added). In order for benefits to be allowed, the reason for the employee's leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer. Because employees do not contribute to the unemployment compensation fund, the determination of whether a claimant is eligible for benefits depends first on whether he voluntarily quit or was discharged from employment and secondly on whether he voluntarily quit his job with good cause attributable to the employer or was discharged for no disqualifying reason. If the claimant left his job for reasons other than unlawful, detrimental or intolerable working conditions caused by the employer in a voluntary leaving situation, he shall not be allowed unemployment insurance benefits.

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

DECISION:

The September 4, 2014, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css