

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**GAYLA A LAIRD
4532 MITCHELL AVE
BILLINGS MT 59101**

**FORT DODGE LABORATORIES INC
c/o UC CONSULTANTS
223 OSCEOLA AVE
NASHVILLE TN 37209**

**Appeal Number: 05A-UI-11815-HT
OC: 10/30/05 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Gayla Laird, filed an appeal from a decision dated November 14, 2005, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 7, 2005. The claimant participated on her own behalf. The employer, Fort Dodge Laboratories, did not provide a telephone number where a representative could be contacted and did not participate.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Gayla Laird was employed by Fort Dodge Laboratories from March 1997 until October 19, 2005. She was a full-time operator.

The claimant and her husband were having marital difficulties. She had previously taken out a restraining order against him but withdrew it when they were going to try and "work things out." When that did not work she did not get another restraining order but elected to quit her job and move out of state. She was concerned because the employer did not have sufficient security in the parking lot, but her spouse had never approached her on company property or even tried to contact her there.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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 administrative law judge understands the claimant was concerned about her safety. However, there is no evidence her spouse ever intruded into the workplace in person or by any other means. Her decision to move was not based on any action or lack of action by the employer and the record therefore does not support a finding of voluntary quit with good cause attributable to the employer. She is disqualified.

DECISION:

The representative's decision of November 14, 2005, reference 01, is affirmed. Gayla Laird is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjw