

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HUONG T VOUNG**  
Claimant

**APPEAL NO: 10A-UI-09467-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HARVEYS CASINO RESORTS**  
Employer

**OC: 05/16/10  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 24, 2010, reference 01, that held she voluntarily quit without good cause attributable to her employer on April 23, 2010, and benefits are denied. A telephone hearing was held on August 19, 2010. The claimant participated. The employer chose to withdraw from participation.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time casino host from January 16, 2007 to April 23, 2010. The claimant gave a two-week notice she was quitting employment in order to move. The employer accepted the claimant's resignation. The claimant moved from Nebraska to Texas.

The claimant gave birth on March 13, 2010. She found it difficult to commute to her job, and work the long hours it required. She was required to answer work calls at home that interfered with child care. The claimant disliked the smoke-filled work environment though she knew about it when hired. When the employer stated it was withdrawing from the hearing, its representative stated it was not contesting claimant's benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer on April 23, 2010 to move to another locality.

The claimant offered several good personal reasons for quitting employment, but they are not attributable to the employer. Even though the employer is not contesting benefits, there must be a good cause attributable to the employer to allow benefits.

**DECISION:**

The department decision dated June 24, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on April 23, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs