

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PASTORA M HOLLAR
Claimant

APPEAL NO. 17A-UI-00994-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNITED COMMUNITY HEALTH
Employer

OC: 01/01/17
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Pastora Hollar filed a timely appeal from the January 20, 2017, reference 01, decision that disqualified her for benefits and that relieved the employer of liability for benefits, based on the claims deputy's conclusion that Ms. Hollar had voluntarily quit without good cause attributable to the employer to relocate to a new locality. After due notice was issued, a hearing was held on February 16, 2017. Ms. Hollar participated. Maria Ramos represented the employer.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Pastora Hollar was employed by United Community Health as a full-time billing/collections specialist from 2012 until July 18, 2016, when she voluntarily quit to relocate to Florida. Ms. Hollar relocated to Florida to be closer to her sister. Ms. Hollar desired a fresh start in Florida after suffering the loss of both of her parents and dissolution of her marriage in 2016. The employer continued to have work available for Ms. Hollar at the time Ms. Hollar elected to separate from the employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record indicates that Ms. Hollar had good personal reasons to voluntarily quit her employment and relocate to Florida. However, Ms. Hollar's voluntary quit to relocate was without good cause attributable to the employer. Accordingly, Ms. Hollar is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. Ms. Hollar must meet all other eligibility requirements. The employer's account shall not be charged.

DECISION:

The January 20, 2017, reference 01, decision is affirmed. The claimant voluntarily quit the employment on July 18, 2016 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in a been paid wages for insured work equal to ten times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs