

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KATIE WRIGHT**  
Claimant

**APPEAL 16A-UI-01458-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KWIK TRIP INC**  
Employer

**OC: 12/13/15  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Katie Wright (claimant) filed an appeal from the January 25, 2016, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment to move to another locality which is not a good cause reason attributable to Kwik Trip, Inc. (employer). The parties were properly notified about the hearing. A telephone hearing was held on February 29, 2016. The claimant and her boyfriend, Jake Overmann, participated on her behalf. The employer participated through Store Leader Kim Nuss.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed most recently as a full-time Guest Service Co-Worker beginning on May 13, 2011, and was separated from employment on September 3, 2015, when she quit. In August 2015, the claimant told Store Leader Kim Nuss that her last day would be September 3, 2015 as she was moving to Reno, Nevada.

The claimant was re-employed with her next employer on November 17, 2015. The administrative record shows she earned \$1,140.00 in wages from her employer between the start of her employment and her lay-off on December 23, 2015. The claimant's weekly benefits amount was \$339.00.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

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 § 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 § 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 § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). The claimant's decision to quit her employment to move to another locality is not a good cause reason attributable to the employer. The claimant also had not earned ten times her weekly benefit amount in insured wages when she filed for benefits due to her temporary lay-off. Benefits must be denied.

**DECISION:**

The January 25, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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