

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BEVERLY A WILDERNESS
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL NO. 15A-UI-03996-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/08/15
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 26, 2015, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 6, 2015. Claimant participated. Employer participated by Mary Eggenburg and Heidi Nobiling.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 7, 2014. Claimant quit her employment primarily because she had recently gotten married and was moving off to Indiana.

Claimant filled out a form for her resignation. Said resignation stated that claimant was leaving because she was relocating. When claimant gave her two-week' notice, she did not mention anything concerning her leaving as having been caused by her employment. Employer stated that they had complied with restrictions that claimant had been given by her doctor. Claimant did state that at times she was required to move items heavier than her restrictions as the office where she worked was short staffed.

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(10) and (2) provide:

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:

- (10) The claimant left employment to accompany the spouse to a new locality.
- (2) The claimant moved to a different locality.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was getting married and relocating. While such actions are joyous events, they do not create a situation where claimant may receive unemployment benefits. As for claimant's statements as to her back problems, employer did operate within the restrictions set out prior to claimant's quitting of her employment. Such quitting was not brought about by employer's lack of willingness to comply with doctor's restrictions.

DECISION:

The decision of the representative dated March 26, 2015, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css