

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY L BAYER**  
Claimant

**APPEAL NO. 12A-UI-08918-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEERY BROTHERS CHEVROLET INC**  
Employer

**OC: 06-17-12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 13, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 17, 2012. The claimant did participate. The employer did participate through David Adams, controller.

**ISSUE:**

Did the claimant voluntarily quit her employment without 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 as a billing or contract clerk, full-time, beginning December 9, 2008, through May 31, 2012, when she voluntarily quit. The claimant quit because her home was foreclosed and she had to move out of state to live with family. While the claimant complained about her treatment from some other employees, all those incidents occurred months or years prior to her quitting. She did not quit because of the unpleasant incidents, but because she no longer had anywhere to live in Iowa.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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.

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 § 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant only chose to quit when she lost her home and had no place to live in Iowa. Her quitting was not due to any of the unpleasant incidents that occurred, as she kept working for years after some of them took place. The claimant quit to move out of state, which may be a good personal reason for leaving the employment, but it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The July 13, 2012 (reference 01) decision is affirmed. The claimant voluntarily left her 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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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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