

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHANEEVA GARCIA
Claimant

APPEAL NO. 21A-UI-01178-SN

**ADMINISTRATIVE LAW JUDGE
DECISION**

MCGRATH AUTOMOTIVE GROUP INC
Employer

OC: 09/20/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) (Voluntary Quitting)

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 1, 2020, (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on February 16, 2021. The employer participated through Office Manager Kris Kremer and Director of Human Resources Tracy Klees. The administrative law judge took judicial notice of the administrative records.

ISSUE:

The issue is whether claimant voluntarily left 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 full-time as a vehicle bookkeeper for the employer, McGrath Automotive Group Inc, from September 11, 2018 until he quit on September 3, 2020.

In mid-August 2020, the claimant gave her two weeks' notice with an effective date of September 3, 2020, to Office Manager Kris Kremer because her husband had received orders to relocate to Fort Bliss in El Paso, Texas.

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 section 96.5(1)b provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

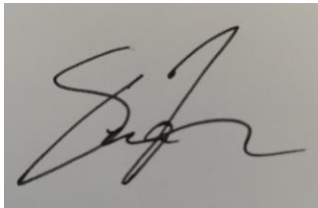
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

b. The individual's leaving was caused by the relocation of the individual's spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant quit to accompany her spouse on his relocation to Fort Bliss in El Paso, Texas due to his military service. This separation is not attributable to the employer, but it is also not disqualifying. Benefits are granted.

DECISION:

The December 1, 2020 (reference 01) decision is reversed. Benefits are granted provided she is otherwise eligible.



Sean M. Nelson
Administrative Law Judge
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February 26, 2021
Decision Dated and Mailed

smn/lj