

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SUT V SINTON
366 S CAESAR AVE
FRESNO CA 93727

CURLEYS FOODS
c/o KATHY PETERSON
PO BOX 2457
SIOUX CITY IA 51106-2457

Appeal Number: 04A-UI-12897-AT
OC: 10-31-04 R: 12
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Sut V. Sinton filed a timely appeal from an unemployment insurance decision dated November 29, 2004, reference 02, which disqualified her for benefits. After due notice was issued, a telephone hearing was held December 28, 2004, with the claimant's husband, Gary Sinton, participating on her behalf. Human Resources Clerk Betty Lopez participated for the employer, Curley's Foods.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Sut V. Sinton was a full-time laborer for Curley's Foods from July 2001 until she resigned on October 1, 2004 in order to move to California. Ms. Sinton and her husband were experiencing difficulties with Iowa winters and Ms. Sinton had relatives in California. She loved her work and the management of the company.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Sinton resigned with good cause attributable to the employer. From the testimony in this record the administrative law judge concludes that she did not.

Iowa Code section 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.

The evidence establishes that Ms. Sinton resigned in order to move to California for personal and family reasons. An individual who resigns in order to move to a new locality or to accompany a spouse in a move to a new locality is considered to have left work without good cause attributable to the employer. See 871 IAC 24.25(2) and (10). Since Ms. Sinton resigned for personal reasons rather than for cause attributable to Curley's Foods, benefits must be denied.

DECISION:

The unemployment insurance decision dated November 29, 2004, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

b/