

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NATALIE R ORTIZ**  
Claimant

**APPEAL 21A-UI-09666-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CELLCO PARTNERSHIP**  
Employer

**OC: 03/14/21  
Claimant: Appellant (4)**

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Iowa Code §96.5(2)a-Discharge/Misconduct  
Iowa Code §96.5(1)- Voluntary Quit

**STATEMENT OF THE CASE:**

On April 5, 2021, the claimant/appellant filed an appeal from the March 30, 2021, (reference 01) unemployment insurance decision that disallowed benefits based on claimant voluntarily quitting due to personal reasons. The parties were properly notified about the hearing. A telephone hearing was held on July 19, 2021. Claimant personally participated at the hearing. Employer participated through Gabriela Martinez.

**ISSUE:**

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 20, 2018. Claimant last worked as a full-time Telesales Representative. Claimant was separated from employment on March 6, 2021, when she voluntarily quit due to her spouse's military relocation.

Claimant received notice her husband was being relocated and she would be moving from Iowa to Mississippi. (Exhibit B). Claimant submitted her written resignation due to her husband's military relocation from Iowa to Mississippi. (Exhibit A). Continuing work was available to claimant if she would not have resigned due to the relocation.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment because of her spouse's relocation by the military.

Iowa Code § 96.5(1)b 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. 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 § 96.8, subsection 5.

The claimant left employment because of her spouse's relocation by the military. Accordingly, benefits are allowed.

**DECISION:**

The March 30, 2021, (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left employment because of the spouse's relocation by the military. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

July 27, 2021  
Decision Dated and Mailed

cs/lj