

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**WHITNEY A BAILEY**  
Claimant

**BEST BUY STORES LP**  
Employer

**APPEAL 20A-UI-02468-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/01/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On March 20, 2020, the claimant filed an appeal from the March 17, 2020, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on April 30, 2020. Claimant participated. Employer participated through general manager Mark Brodhead and was represented by Erin Bewley.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on June 27, 2017. Claimant last worked as a full-time customer service specialist. Claimant was separated from employment on January 3, 2020, when she resigned.

Claimant was working at employer's store in Waterloo, Iowa. On January 15, 2020, claimant moved to Arizona. Claimant tried to secure a position at one of employer's stores in Arizona before she left. She had some phone interviews before she left, but no job offers. Employer did not guarantee claimant a position at one of its stores in Arizona. It was up to each individual store to make a job offer. Claimant moved, but her phone interviews did not materialize into a job offer and she is now unemployed.

Continued work was available at the Waterloo store, had claimant not moved.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) 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.

Iowa Admin. Code r. 871-24.25(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 section 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 section 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.

In this case, claimant resigned because she moved to a different city. Claimant applied for jobs at employer's stores in her new city, but employer never guaranteed her a position before she left. Continued work was available with employer in Waterloo, Iowa. Claimant failed to establish she resigned for a good cause reason attributable to employer. Benefits are denied.

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

**DECISION:**

The March 17, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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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Christine A. Louis  
Administrative Law Judge  
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May 1, 2020  
Decision Dated and Mailed

cal/scn