

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STACY L GIBBINS**  
Claimant

**APPEAL NO: 13A-UI-10256-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS DEVELOPMENT**  
Employer

**OC: 08/18/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(10) – Move to a New Locality/Spouse

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 10, 2013, reference 01, that held she voluntarily quit employment without good cause on April 4, 2013, and benefits are denied. A telephone hearing was held on October 4, 2013. The claimant participated. The employer did not participate. Claimant Exhibit A was received as evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant worked for the employer as a full-time executive assistant at its Jefferson, Iowa location from July 1, 2011 to April 4, 2013. Claimant's spouse had purchased a business in Fort Dodge, Iowa, and claimant did bookkeeping/accounts payable receivable work. The business did not pay her wages for insured work as an employee.

Claimant gave 30-day notice to the employer she would be leaving April 4, 2013 to move with her husband to Fort Dodge where the business was located.

Claimant subsequently was employed by Webster County from August 5, 2013 to August 19. She was paid gross wages of \$1,079.80. Her weekly benefit amount is \$269.00. The department issued a decision September 24, 2013, reference 02, that held she was not discharged for misconduct on August 19, 2013 and benefits are allowed.

The employer failed to respond to the hearing notice.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(10) 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:

(10) The claimant left employment to accompany the spouse to a new locality.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on April 4, 2013 to move with her spouse to a new locality.

While claimant left for a good personal reason, it is not a good cause attributable to the employer. Claimant did not earn enough wages from Webster County to re-qualify for benefits. She must earn ten-times her weekly benefit amount ( $\$269 \times 10 = \$2,690$ ). She had not earned qualifying wages from her work at her spouse business and from Webster County ( $\$1,079.80$ ).

**DECISION:**

The department decision dated September 10, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on April 4, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs