

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALAN J PEARSON**  
Claimant

**KT OF STORY CITY LLC**  
Employer

**APPEAL 15A-UI-14247-NM-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/22/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Admin. Code r. 871 IAC 24.25(2) – Move  
Iowa Admin. Code r. 871 IAC 24.25(23) – Serious Family Needs

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 18, 2015, (reference 03) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on January 21, 2016. The claimant, Alan Pearson, participated and testified. The employer, KT of Story City LLC, participated through Shakhawat Hossain and witness Phillip Luster.

**ISSUE:**

Did claimant voluntarily quit the employment with or without good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a shift leader from June 27, 2014, until this employment ended on July 31, 2015, when he voluntarily resigned.

On July 31, 2015, claimant left his employment with the employer, which was located in Story City, because he was moving to Boone. Claimant moved to Boone to care for his mother, who just had surgery. At the time he resigned, the claimant's supervisor, Phillip Luster, offered him a transfer to the employer's Boone location. Claimant declined this offer, as he had worked at the Boone location previously and found it to be a negative work environment. Luster told claimant that if he ever wanted to come back to the Story City location he would have a position open for him. Claimant is still residing in Boone and has not returned to work with the employer.

**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. Benefits are denied.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(2) and (23) provide:

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 § 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 § 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.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Here, it is clear that claimant intended to end his employment relationship with the employer. Claimant does not dispute that he notified his employer that he was voluntarily resigning his employment in order to move closer to his mother to help care for her while she recovered from surgery. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The December 18, 2015, (reference 03) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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