

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TANYA D WHITAKER
Claimant

WELLS FARGO BANK NA
Employer

APPEAL 18A-UI-10347-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/23/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin r. 871-24.25 – Voluntary Quit Without Good Cause

STATEMENT OF THE CASE:

Tanya Whitaker, Claimant, filed an appeal from the October 11, 2018 (reference 01) unemployment insurance decision that denied benefits because she quit work with Wells Fargo Bank NA for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on October 31, 2018 at 9:00 a.m. Claimant participated. Employer participated through Thomas Kuiper, Hearing Representative, and Ross Roti, Loan Administration Manager. Employer Exhibit 1 was admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to the 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 Mortgage Processor from September 30, 2003 until her employment with Wells Fargo Bank NA ended on August 21, 2018. (Claimant Testimony) On August 6, 2018, claimant emailed her direct supervisor notice of her resignation, effective August 21, 2018. (Exhibit 1) Claimant's sole reason for quitting her employment was to relocate to Houston, Texas, where claimant is originally from and her family currently resides. (Claimant Testimony) Claimant's job was not in jeopardy; there was continuing work available to claimant had she not quit. (Roti Testimony)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit her employment without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer. Iowa Code § 96.6(2).

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.

Claimant voluntarily quit her employment by emailing her resignation to her direct supervisor. Claimant's resignation shows her intention to end her employment relationship with employer and serves as an overt act of carrying out her intention. Claimant quit her job to move closer to her family. While claimant's reason for quitting her employment is understandable, it is not attributable to the employer. Claimant has not met her burden of proving that her voluntary quit was for good cause attributable to the employer. Therefore, claimant is disqualified for benefits.

DECISION:

The October 11, 2018 (reference 01) unemployment insurance decision is affirmed. Benefits are denied until such time as the claimant works in and has been paid wages for insured work equal to ten times claimant's weekly benefit amount.

Adrienne C. Williamson
Administrative Law Judge
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Decision Dated and Mailed

acw/rvs