

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT D ROBINSON
Claimant

APPEAL NO. 10A-UI-08068-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHENKER LOGISTICS INC
Employer

OC: 12/13/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Scott D. Robinson filed a timely appeal from an unemployment insurance decision dated June 2, 2010, reference 04, that disqualified him for benefits. After due notice was issued, a telephone hearing was held July 9, 2010 with Mr. Robinson participating. The employer, Schenker Logistics, Inc., did not provide the name and telephone number of any witnesses.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Scott D. Robinson was employed by Schenker Logistics, Inc. from 2007 until he resigned effective November 27, 2009. He last worked full time as a case picker. Mr. Robinson worked for the company first in Iowa and later in North Carolina. While in North Carolina, he applied for a transfer to Texas where his family lived. The request for a transfer was denied. Mr. Robinson then resigned in order to move to Texas in order to be with his family. He left employment on good terms and with a letter of recommendation from the employer.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The evidence establishes that the sole reason for the resignation was Mr. Robinson's desire to relocate to Texas to be with his family. This certainly constitutes good personal cause. However, the standard in Iowa is good cause attributable to the employer. One who resigns in order to move to a different locality or to accompany a spouse in a move to a new locality is considered to have left work without good cause attributable to the employer. See 871 IAC 24.52(2) and (10). Benefits must be withheld.

DECISION:

The unemployment insurance decision dated June 2, 2010, reference 04, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs