

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DORETTA D LANKFORD
Claimant

APPEAL NO. 08A-UI-11326-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PRIME NURSING & REHABILITATION
CENTER LLC**
Employer

**OC: 10/26/08 R: 12
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Doretta Lankford, appealed an unemployment insurance decision dated November 24, 2008, reference 01, that concluded she had voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 16, 2008. Lankford participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Did Lankford voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

Doretta Lankford worked for the employer as a licensed practical nurse from January 2, 2007 to September 20, 2009. She voluntarily quit employment to relocate with her husband to the state of North Carolina after he accepted a new job there.

Lankford also was dissatisfied that she had not received a raise during the time she worked for the employer and was not offered health and dental insurance even though she was working full-time hours. There is no evidence that she was ever promised a raise or insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether Lankford voluntarily quit employment without good cause attributable to the employer.

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(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.

Lankford's relocation with her spouse is understandable but this reason for quitting employment does not meet the definition of good cause attributable to the employer found in the unemployment insurance law. Although Lankford was also dissatisfied with her pay and lack of fringe benefits, she continued working until relocating with her husband so it is difficult to determine this was why she quit. Even if this did enter into her decision to leave employment, the failure to get a raise or insurance would not amount to good cause attributable to the employer to leave employment because she was never promised a raise or insurance benefits during her employment.

DECISION:

The unemployment insurance decision dated November 24, 2008, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs