

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TINA M. SINGLETON
Claimant

APPEAL NO. 09A-UI-08085-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMCAR LLC
Employer

OC: 04/26/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 26, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 23, 2009. Claimant participated. Employer participated by Jennifer Schneider, human resources representative. The record consists of the testimony of Tina Singleton; the testimony of Jennifer Schneider; and Employer's Exhibits One through Six.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked as a customer service representative. She voluntarily terminated her employment on April 1, 2009. The reason for her resignation was her desire to move closer to her family in Indiana.

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(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.

The evidence in this case established that the claimant voluntarily quit her employment effective April 1, 2009. The reason she gave her employer was that she wanted to move closer to her family in Indiana. Although she testified that she was also concerned about her hours being cut, she did concede that work was available to her at the time that she resigned. She was, according to the employer, a non-exempt employee, which meant that her salary could be adjusted if she worked less hours per week. The claimant did not mention salary concerns when she resigned and only indicated she was leaving to be closer to her family. Claimant's quit was with no good cause attributable to the employer and therefore benefits are denied.

DECISION:

The decision of the representative dated May 26, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs