

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AOIFE LOCKHEART
Claimant

APPEAL NO: 17A-UI-07976-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES USA LLC
Employer

OC: 07/23/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving
871 IAC 24.25(2) – Voluntary Quit to Move

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 4, 2017, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 23, 2017. The claimant participated in the hearing. Misty Rawlins, Senior Branch Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment to move.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service representative for Kelly Services last assigned to ACT from October 3, 2016 to May 18, 2017. She notified the employer May 18, 2017, that she was packing her belongings and would leave her badge on the desk. She did not give the employer a reason for leaving but she voluntarily left her employment because she was losing her housing and needed to move to Rochester, New York, so she could live with her family. Continued work was available with this employer, had the claimant not voluntarily left her employment. The claimant asked the employer if there was a Kelly Services in Rochester but the employer did not know and suggested the claimant check and contact the local office in Rochester once she arrived there.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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) 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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). In order for benefits to be allowed, the reason for leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer.

While the claimant's decision to quit to move to another area may have been based upon good personal reasons, she has not demonstrated a good-cause reason attributable to the employer for her leaving. (Emphasis added). Therefore benefits must be denied.

DECISION:

The August 4, 2017, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/rvs