

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZITA Y JACKSON

Claimant

APPEAL NO. 11A-UI-11009-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CARGILL MEAT SOLUTIONS
CORPORATION**

Employer

OC: 07/10/11

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Zita Jackson filed a timely appeal from the August 10, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on September 13, 2011. Ms. Jackson participated. Jessica Shepard, Human Resources Generalist, represented the employer. Exhibits One and Two were received into evidence.

ISSUE:

Whether Ms. Jackson's voluntary quit was for good cause attributable to the employer. It was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Zita Jackson was employed by Cargill Meat Solutions Corporation as a full-time production worker from 2007 until July 7, 2011, when she voluntarily quit to move to Virginia, where her husband had accepted a new job. Ms. Jackson provided the employer with written notice of her intention to leave the employment and worked throughout the notice period she had provided. At the time Ms. Jackson separated from the employment, the employer continued to have work available for her.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson

Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

When a worker voluntarily quits to relocate to a new locality, the quit is presumed to be without good cause attributable to the employer. The evidence establishes that the sole basis for Ms. Jackson's voluntary quit was her desire to relocate to another state where her husband had accepted a new job. While this was a compelling personal reason for leaving the employment, it did not constitute good cause attributable to the employer. Because Ms. Jackson voluntarily quit the employment without good cause attributable to the employer, she is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Jackson.

DECISION:

The Agency representatives August 10, 2011, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs