

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMY MAREK
Claimant

THE IOWA CLINIC PC
Employer

APPEAL 21A-UI-09059-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) (Voluntary Quitting)

STATEMENT OF THE CASE:

On March 29, 2021, the claimant filed an appeal from the March 22, 2021; (reference 01) unemployment insurance decision that denied benefits based on the claimant voluntarily quitting her employment.- The parties were properly notified about the hearing. A telephone hearing was held on May 28, 2021. Claimant Amy Marek participated telephonically as did the claimant's spouse Wayne Marek. Employer participated through representative LaTrice Wissink.

ISSUE:

The issue is whether claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on May 30, 2017, as a Patient Experience Representative. She worked approximately 40 hours a week, Monday through Friday, from 8:00 a.m. to 4:30 p.m.; Claimant was separated from employment on May 3, 2019, after submitting a written resignation that she presented to the employer at least two weeks prior to May 3, 2019.

The Claimant resigned her position after her spouse, Command Sgt. Major, Wayne Marek, was relocated by the Unites State Army Reserve, to a base in Texas for a period of 12 months beginning in February of 2019 until February of 2020.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.5(1) b provides:

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

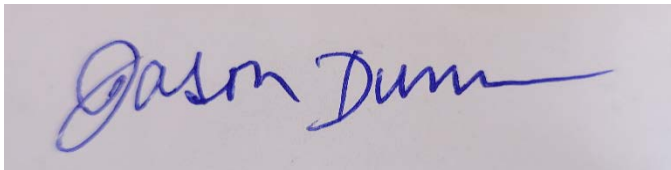
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

b. The individual's leaving was caused by the relocation of the individual's spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant quit due to her spouse's relocation to Texas by the United States Army Reserve. This separation is not attributable to the employer, but it is also not disqualifying. Benefits are granted.

DECISION:

The March 22, 2021, (reference 01) decision denying benefits is REVERSED. Benefits are granted provided claimant is otherwise eligible. Employer's account #104318-000 shall not be charged.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

June 18, 2021
Decision Dated and Mailed

jd/scn