

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA L BORRELLI

Claimant

APPEAL NO: 20A-UI-11507-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CUSTOM-PAK INC – LP2

Employer

OC: 12/22/19

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 September 8, 2020, 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 November 12, 2020. The claimant was unable to participate in the hearing personally and consequently she participated through the testimony of her husband, Mike Borrelli. The employer did not respond to the hearing notice and did not participate in the hearing.

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 machine operator until 2015 and then a custodian for Custom-Pak from May 29, 2012 to June 22, 2020. The claimant notified the employer she was voluntarily quitting because she was getting married and moving to Momence, Illinois. Continued work was available with this employer, had the claimant not voluntarily left her employment.

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 f. 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:

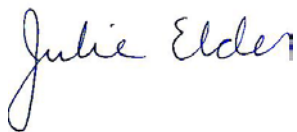
- (2) The claimant moved to a different locality.

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. (Emphasis added).

While the claimant's decision to quit to move to Illinois after she married was 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 September 8, 2020, 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

November 19, 2020
Decision Dated and Mailed

je/scn