

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELE M GORHAM**  
Claimant

**APPEAL NO. 10A-UI-15132-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SUSAN LINDER**  
**MAILBOXES & PARCEL DEPOT**  
Employer

**OC: 10/03/10**  
**Claimant: Appellant (4)**

Iowa Code § 96.5(1)b – Voluntary Leaving/Military Spouse

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 29, 2010 (reference 01) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on December 13, 2010. Claimant participated. Employer participated through Owner Denis Linder.

**ISSUE:**

The issue is whether claimant's leaving of employment was caused by her spouse's relocation by the military.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was separated from employment on September 30, 2010 after her spouse was deployed to active duty in Afghanistan on August 7 with the Iowa National Guard 832nd Engineer Company. She did not move with him but moved to Fort Madison, where she has family to assist her with their dependent child in his absence. Continued work was available.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment because of her spouse's relocation by the military.

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.

Iowa Code § 96.5(1)b 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. 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.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave because of her spouse's relocation by the military. While she did not move along with him, it was his deployment that made her move to seek additional support from her family in Fort Madison. The legislature has not specified any exclusion to the statute. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The October 29, 2010 (reference 01) decision is modified in favor of the appellant. The claimant voluntarily left her employment because of her spouse's relocation by the military. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 262653) shall not be charged.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw