

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES C TURNER
Claimant

EDL ENDEAVORS INC
Employer

APPEAL 20A-UI-03186-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On April 15, 2020, the claimant filed an appeal from the April 13, 2020, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on May 8, 2020. Claimant participated. Employer participated through executive vice president Doug Bertrand.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in January 2019 at its Cedar Rapids, Iowa location. Claimant last worked as a full-time commercial sales person. Claimant was separated from employment on April 22, 2019, when he resigned.

Around the end of his employment, claimant's daughter was diagnosed with a terminal illness. Claimant's daughter resided in Waterloo, Iowa. Claimant did not want to be at work that far away from his daughter each day in case she needed him. Claimant asked employer if he could transfer to the Waterloo store, but there were no positions available there.

Claimant submitted a resignation letter, citing the commute as his reason for resigning.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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(30) 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:

(30) The claimant left due to the commuting distance to the job; however, the claimant was aware of the distance when hired.

In this case, claimant resigned due to his work location. Claimant was aware of the work location when he was hired, but it became much more important to him when his daughter was diagnosed with a terminal illness and he was working an hour's drive away. Claimant resigned for a very good personal reason, but not for a good cause reason that can be attributed to employer.

DECISION:

The April 13, 2020, (reference 01) unemployment insurance decision is AFFIRMED. Claimant voluntarily left the employment without good cause attributable to the employer. Regular unemployment insurance benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
Fax (515)478-3528

May 13, 2020
Decision Dated and Mailed

cal/scn

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.