

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTH M MORGAN
Claimant

APPEAL NO. 11A-UI-15303-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 10/30/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ruth M. Morgan filed a timely appeal from an unemployment insurance decision dated November 21, 2011, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held December 27, 2011, with Store Manager Sue Biddle participating for the employer, Casey's Marketing Company. Although Ms. Morgan provided a phone number at which she could be contacted, that number was answered by a recording at the time of the hearing. The administrative law judge left instructions for the claimant to call the Appeals Bureau while the hearing was in progress if she wished to participate. There was no contact from the claimant while the hearing was in progress.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Ruth M. Morgan was employed by Casey's Marketing Company from October 5, 2006, until she resigned August 24, 2011, in order to move. The claimant now resides in Nevada.

REASONING AND CONCLUSIONS OF LAW:

The question is not whether the claimant had good personal cause to leave employment. The test under Iowa law is whether she left with good cause attributable to the employer.

Iowa Code section 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.

An individual who resigns in order to move to a new locality, or to accompany a spouse to a new locality, leaves employment without good cause attributable to the employer. See 871 IAC

24.25(2) and (10). The evidence in this record establishes that the claimant left employment under circumstances contemplated by these rules. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated November 21, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw