

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDDIE C WASHINGTON
Claimant

APPEAL NO: 20A-UI-11260-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP LLC
Employer

OC: 05/03/20
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 03, 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 4, 2020. The claimant participated in the hearing with friend Joshua Hagan. The employer provided a telephone number prior to the hearing but was not available at that number when called for the hearing.

ISSUE:

The issue is whether the claimant voluntarily left his 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 part-time sales associate for Dollar General from March 15, 2020 to May 1, 2020. The claimant notified the employer he was voluntarily quitting to move to Oklahoma and asked if he could transfer. The store manager said he would leave his name in the system. After the claimant moved he observed that the local Dollar General store was hiring and called the store manager but learned his name was removed from the system because he waited too long to contact the store in Oklahoma or the store in Iowa. Continued work was available with this employer in Iowa, had the claimant not voluntarily left his employment to move.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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 employee 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:

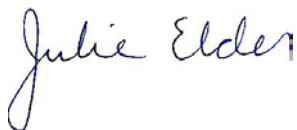
- (2) The claimant moved to a different locality.

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.

While the claimant's decision to quit to move to another area may have been based upon good personal reasons, he has not demonstrated a good-cause reason attributable to the employer for his leaving. (Emphasis added). The claimant wanted to transfer but did not take the necessary steps in the required timeframe to be eligible for a transfer. Therefore, benefits must be denied.

DECISION:

The September 8, 2020, reference 03, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Julie Elder
Administrative Law Judge

November 18, 2020
Decision Dated and Mailed

je/scn