

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDRA K BURTLOW
Claimant

APPEAL NO. 12A-UI-11363-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CARGILL MEAT SOLUTIONS
CORPORATION**
Employer

OC: 08/26/12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Sandra Burtlow filed a timely appeal from the September 17, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on October 17, 2012. Ms. Burtlow participated. Angie Stevens, Human Resource Generalist, represented the employer.

ISSUE:

Whether Ms. Burtlow's voluntary quit was for good cause attributable to the employer. The administrative law judge concludes that Ms. Burtlow voluntarily quit to relocate to Arizona and that the quit was without good cause attributable to the employer. Ms. Burtlow is disqualified for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Sandra Burtlow was employed by Cargill Meat Solutions on a full-time basis from 2010 until August 17, 2012, when she voluntarily quit to relocate to Arizona. During the employment, Ms. Burtlow had resided with her brothers. Her brothers were buying a home, were unable to make a balloon payment that was due, and surrendered the house. As a result, Ms. Burtlow needed to find another place to live. That was no easy task, because Ms. Burtlow owned four dogs and could not find a landlord willing to accept four dogs. Ms. Burtlow owns a property in Arizona and decided on short notice to move back to Arizona. On August 17, 2012, Ms. Burtlow returned her employee badge to the employer's guard shack because she was quitting the employment without notice. On August 19, Ms. Burtlow moved to Arizona. At the time Ms. Burtlow quit, the employer continued to have work available for her.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See Iowa Admin. Code section 871 IAC 24.25.

When an employee voluntarily quits to relocate to a new locality, the quit is presumed to be without good cause attributable to the employer. See Iowa Admin. Code section 871 IAC 24.25(2).

The evidence in the record indicates that Ms. Burtlow voluntarily quit in connection with a change in her living arrangement that prompted her to decide to relocate to Arizona. Ms. Burtlow's voluntary quit was without good cause attributable to the employer. Accordingly, Ms. Burtlow is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

DECISION:

The Agency representative's September 17, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs