

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIZABETH J LUNDON

Claimant

APPEAL NO. 15A-UI-06010-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CATHOLIC CONFERENCE

Employer

OC: 04/12/15

Claimant: Respondent (2)

871 IAC 23.43(9)a – Combined Wage Claim Transfer of Wages
Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

Iowa Catholic Conference (employer) appealed a representative's May 15, 2015, decision (reference 01) that concluded it could not be relieved of charges based on the employment of Elizabeth Lundon (claimant). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 2, 2015. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Paul Jahnke, Agent.

ISSUE:

The issue is whether the employer can be relieved of charges.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 24, 2013, as a part-time food service worker. The claimant worked with the school system calendar and worked her last day on June 12, 2014, the last day of the school year. The employer planned for the claimant to return for the next academic term in the fall of 2014. The claimant did not return. She moved to Illinois and left no forwarding address. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Admin. Code r. 871-23.43(9) provides, in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code

§ 96.20, will be liable for charges for benefits paid by the out-of-state paying state. No reimbursement so payable shall be charged against a contributory employer's account for the purpose of Iowa Code § 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in Iowa Code § 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim. Benefit payments shall be made in accordance with the claimant's eligibility under the paying state's law. Charges shall be assessed to the employer which are based on benefit payments made by the paying state.

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her actions. She did not return and quit work. When an employee quits work because she is moving to a different location, her leaving is without good cause attributable to the employer. The claimant left work because she was moving to a different locality. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer.

Employer's account shall not be charged based upon this separation. Since this is a combined wage claim, claimant's qualification and eligibility shall be determined by the other State.

DECISION:

The representative's May 15, 2015, decision (reference 01) is reversed. Under Iowa law the claimant is not eligible to receive unemployment insurance benefits. The claimant voluntarily left employment without good cause attributable to the employer. Employer's account shall not be charged based upon this separation. Since this is a combined wage claim, claimant's qualification and eligibility shall be determined by the other State.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css