

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEATHER M MILLER**  
Claimant

**APPEAL NO. 10A-UI-07831-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RUAN TRANSPORT CORP**  
Employer

**Original Claim: 04/18/10  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 19, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 19, 2010. Claimant participated. Employer participated by Tracey Ball, CFO, and Erin Turnis, Human Resource Consultant. Exhibit A was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on April 2, 2010. Claimant on March 29, 2010 gave employer notice that she was quitting so she could move to Kentucky. Her husband had a better paying job in Kentucky. Claimant told the employer that her last day of work would be April 5, 2010. Claimant was upset with a 3 percent pay cut that was initiated in May 2009. Claimant was told that she should accept another job in billing in March 2010. Claimant was not ordered to change jobs—it was suggested. Claimant was not told she was being let go. Claimant had continued work available with employer had she not quit.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was moving to a new locality. This is not good cause for a quit. Claimant was offered another job, but refused to accept such. This is not a sufficient threat to prove that if claimant had not quit, she would have been laid off. The 3 percent pay cut was a year old at the time of separation. This reason for quitting is stale. Claimant acquiesced to the lower pay by working for a full year. Claimant was not experiencing part-time work or diminished hours. The reason for quitting was because of a move to a new locality. Benefits withheld, as this is a personal reason for a quit.

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.

871 IAC 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 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:

(2) The claimant moved to a different locality.

**DECISION:**

The decision of the representative dated May 19, 2010, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw