

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLENE M RAMTHUN
Claimant

APPEAL NO. 07A-UI-08635-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WARREN COUNTY
Employer

OC: 08/19/07 R: 01
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Charlene M. Ramthun (claimant) appealed a representative's September 10, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Warren County (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 25, 2007. The claimant participated in the hearing. Julie Daugherty appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on February 18, 1992. She most recently worked full time as property tax deputy in the employer's treasurer's office. Her last day of work was April 30, 2007. On March 14, 2007, she had submitted her notice of resignation effective April 30. Her reason for resigning was because she was moving with her husband to Denison, Iowa, due to a new job her husband had taken. Denison is approximately a two and a half hour drive from the employer's offices in Indianola, and the claimant therefore was unable to commute to and from work on a routine basis.

After ending the employment relationship, the claimant has provided occasional consultant and training assistance to the employer on a part-time contractual basis, involving a few visits back to the employer's offices.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer.

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.

871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2.

871 IAC 24.25(2) and (10) provide:

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 § 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 § 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.

(10) The claimant left employment to accompany the spouse to a new locality.

While the claimant had good personal reasons for moving away from the locality in which she had been employed and therefore ending her employment, it was not a cause attributable to the employer. The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's September 10, 2007 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of April 30, 2007, benefits are withheld until such time as the claimant has worked in and been paid wages

for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css