

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STELLA SANFORD**  
Claimant

**APPEAL NO. 10A-UI-15310-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMPS NOW HEARTLAND LLC**  
Employer

**OC: 08/08/10**  
**Claimant: Appellant (1/R)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Stella Sanford (claimant) appealed an unemployment insurance decision dated October 14, 2010, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Temps Now Heartland, LLC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 28, 2010. The claimant participated in the hearing. The employer participated through Mary Burkett, Account Manager and Mr. Cary Miller, Employer Representative. 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:**

The issue is whether the claimant's voluntary separation from employment disqualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed with the employer herein from March 15, 2010 through April 15, 2010. She submitted a two-week notice to quit on April 2, 2010. The assignment was a temp-to-hire position and was ongoing. The claimant contends she quit due to harassment. The contract employer informed the employer that the claimant quit because of back and knee problems not related to the job.

The claimant moved to Wisconsin shortly after she quit her employment and the employer questioned her as to whether she quit because she was moving. The claimant testified she told the employer at the time of hire that she would be moving in May 2010.

The claimant filed an original claim for benefits effective August 9, 2009 and filed for a new claim year during the week of August 8, 2010. She filed for and received weekly benefits from the week ending August 15, 2009 through the week ending June 5, 2010. The claimant did not report wages for the five-week period ending April 17, 2010 when she worked for the employer.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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(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 § 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.

The claimant contends she quit her employment because of an intolerable work environment and harassment from a co-employee, yet she worked an additional two weeks after giving notice to quit. If the work environment were intolerable, the claimant would not have been able to work for an additional two weeks, regardless of whether or not it was the right thing to do. The preponderance of the evidence confirms the claimant quit her employment because she planned to move to Wisconsin.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

An issue as to whether the claimant reported income from her employer arose as a result of the hearing. This issue was not included in the notice of hearing for this case, and the case will be remanded to Quality Control for an investigation and determination as to whether the claimant had earned but unreported wages. 871 IAC 26.14(5).

**DECISION:**

The unemployment insurance decision dated October 14, 2010, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The issue of whether there were earned but unreported wages is remanded to the Claims Section for an investigation and determination.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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