

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDALL C HAYES
Claimant

APPEAL NO. 15A-UI-07538-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PER MAR SECURITY & RESEARCH
CORPORATION**
Employer

OC: 06/07/15
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Randall Hayes (claimant) appealed a representative's June 23, 2015,, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits after his separation from employment with Per Mar Security (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 31, 2015. The claimant participated personally. The employer participated by Barbara McGuire, Branch Employment Coordinator.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 9, 2007, as a full-time watchman, security officer. On March 2, 2015, the claimant gave written notice of resignation effective April 15, 2015. The claimant said he was quitting to move to Chicago, Illinois, to be near family and friends and to pursue an electrical career. The claimant did not tell the employer he was concerned that he might lose his assigned position if the employer did a financial background check on him because he had some bills to pay. The employer only did a background check on the claimant when he was hired and was unaware of the assigned employer doing any checks on the claimant. The claimant worked through April 15, 2015, and moved to Chicago, Illinois, on April 16, 2015. 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 quit work without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(2), (3) and (33) 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 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.

(3) The claimant left to seek other employment but did not secure employment.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

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 his words and actions. He told the employer he was leaving and quit work. When an employee quits work because he is moving to a different location or to seek other employment, his leaving is without good cause attributable to the employer. Likewise, when an employee quits work because he believes his performance is not to the satisfaction of the employer and the employer has not requested him to leave, his leaving is without good cause attributable to the employer. The claimant left work because he was moving to a different location to look for other work. His leaving was without good cause attributable to the employer. He thought his performance would result in his termination or transfer even though the employer did not request him to leave. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's June 23, 2015, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css