

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
<b>CATLIN BLOCK</b> Claimant  <b>WAL-MART STORES INC</b> Employer	<b>APPEAL NO: 17A-UI-01024-JE-T</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b>   <b>OC: 12/18/16</b> <b>Claimant: Appellant (1)</b>

Section 96.5-1 – Voluntary Leaving  
871 IAC 24.25(2) – Voluntary Quit to Move

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 20, 2017, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on February 17, 2017. The claimant participated in the hearing. The employer chose not to participate in the hearing.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time receiving clerk for Wal-Mart from June 2015 to July 15, 2016. He voluntarily left his employment to move to Illinois.

The claimant wanted to move to Illinois to be closer to his family. He went into the employer's computer room where training and applications are done and followed the directions in the manual on how to complete the transfer paperwork to be assigned to another store. He moved to Illinois without being told he could transfer or being assigned to another position in another store. When he arrived in Illinois and got settled he contacted two local Wal-Mart stores about a receiving position but was told there was an error in his transfer application and he would need to return to Iowa to correct it. The claimant lived six hours away from the store where he completed the transfer application and did not want to return to find out what was wrong with his transfer request because of the long drive. Continued work was available with this employer in Keokuk, had the claimant not voluntarily left his employment.

**REASONING AND CONCLUSIONS OF LAW:**

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.

Iowa Admin. Code r. 871-24.25(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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). While the claimant denies that he voluntarily left his job, he initiated the separation from employment by telling the employer he was moving to Illinois and subsequently moving. The employer had continuing work available for the claimant in Keokuk had he not moved.

The claimant completed transfer paperwork before moving but the employer never told him that his transfer request was approved, what store he was transferring to, or when he was scheduled to start at the new store. Simply completing the application does not guarantee the applicant a transfer.

While the claimant wanted to transfer, there is no evidence his transfer was approved. The claimant's decision to quit to move to another area may have been based upon good personal reasons, but he has not demonstrated a good-cause reason attributable to the employer for leaving. (Emphasis added). Therefore benefits must be denied.

#### **DECISION:**

The January 20, 2017, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/rvs