

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA M MCKINEY
Claimant

APPEAL NO: 19A-UI-02273-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WATERLOO COMMUNITY SCHOOL DIST
Employer

OC: 02/17/19
Claimant: Appellant (1)

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 March 8, 2019, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 1, 2019. The claimant participated in the hearing with her grandfather, Lou Varricchio. Mickey Waschkat, Human Resources Specialist and Dr. Beverly Smith, Principal, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment to move for personal reasons.

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 building secretary for Waterloo Community School District from August 25, 2004 to February 14, 2019. She notified the employer she was voluntarily quitting her position and was moving to New York because her grandfather was there and offered her a free place to live. Additionally, the claimant's son is autistic and lives in a group home in Iowa which was rumored to be closing and the claimant is trying to find a therapeutic place in New York for him to reside. Continued work was available with the school district had the claimant not voluntarily left her employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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). In order for benefits to be allowed, the reason for leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer.

While the claimant's decision to quit to move to New York to live with her grandfather was based upon good and understandable personal reasons, she has not demonstrated a good-cause reason attributable to the employer for leaving. (Emphasis added). When an employee resigns her position with an employer and files for unemployment insurance benefits, she must establish that the reason she is leaving is effectively the fault of the employer. In this case, the claimant and her grandfather cited good personal reasons for her leaving, a free place to live, higher potential wages and possibly better care for her autistic son in New York. The claimant specifically said, however, that she did not leave her job because of the school district but left because of those personal issues cited above. Consequently, the administrative law judge must conclude the claimant's voluntary leaving was not attributable to the employer. Therefore, benefits must be denied.

DECISION:

The March 8, 2019, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn