

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRYAN J MCVAY**  
Claimant

**APPEAL NO: 12A-UI-03639-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARDINAL GLASS INDUSTRIES INC**  
Employer

**OC: 01/29/12  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(2) – Move to a New Locality  
871 IAC 24.25(26) – Leaving for School

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated March 27, 2012, reference 01, that held he voluntarily quit without good cause attributable to his employer on July 22, 2011, and benefits are denied. A telephone hearing was held on April 24, 2012. The claimant participated. Lori Ramsey, HR Manager, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant began employment on March 14, 2010, and last worked for the employer as a full-time factory laborer on July 22, 2011. Claimant submitted a resignation note to the employer that July 22 would be his last day. He told the employer he was moving to Arizona to be with family and he intended to go to school. The employer accepted his resignation.

Since his employment separation on July 22, he worked a seasonal job at UPS and is currently working a part-time position at Subway. The record does not show he has re-qualified for benefits by earning ten times (\$3,850) his weekly benefit amount (\$385 WBA).

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(2), (26) 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.

(26) The claimant left to go to school.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to moving and going to school on July 22, 2011.

While claimant had good personal reasons for quitting the Iowa law does not recognize them as good cause attributable to the employer in order to allow benefits.

**DECISION:**

The department decision dated March 27, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to his employer on July 22, 2011. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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