

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVIE D HUNTER
Claimant

APPEAL NO. 11A-UI-14224-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 09/18/11
Claimant: Respondent (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Labor Ready, filed an appeal from a decision dated October 12, 2011, reference 03. The decision allowed benefits to the claimant, Stevie Hunter. After due notice was issued, a hearing was held by telephone conference call on November 30, 2011.

The claimant provided a telephone number where he could be contacted. That number was dialed at 2:59 p.m. and 3:00 p.m. and the only response was a recorded message stating the Wireless customer was not available or had traveled out of the receiving area. By the time the record was closed at 3:11 p.m. the claimant had not contacted the Appeal Section and did not participate.

The employer participated by Branch Manager Michael Nicolosi

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Stevie Hunter was employed by Labor Ready from May 5 until October 31, 2010. During that time he worked at Menards Distribution in Shelby, Iowa. On October 31, 2011, he came into the office and notified the staff he was quitting to move to another locality.

Stevie Hunter filed a claim for unemployment benefits with an effective date of September 18, 2011. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

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) 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 quit in order to move to another locality. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of October 12, 2011, reference 03, is reversed. Stevie Hunter is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css