

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RALPH O AGER
Claimant

APPEAL NO. 10A-UCFE-00014-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KOHL'S DEPARTMENT STORES INC
Employer

OC: 03/14/10
Claimant: Appellant (4)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 28, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 22, 2010. Claimant participated. Employer participated by Veronica Mahon, Human Resource Operations Manager and Carole Johnsen, Administrative Assistant.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 22, 2009. Claimant worked part time. Claimant quit to move to a new locality. Claimant earned ten times his weekly benefit amount from insured work prior to applying for unemployment March 14, 2010.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he moved to a new locality June 22, 2009. However, claimant has re-qualified for benefits by earning wages from insured work after leaving this employer. Benefits shall be allowed.

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

DECISION:

The decision of the representative dated April 28, 2010, reference 01, is modified. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Claimant has re-qualified for benefits by earning wages from insured work equal to ten times his weekly benefit amount after leaving employer and prior to March 14, 2010.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs