

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TONYA M BARRY**  
Claimant

**PECKHAM VOCATIONAL INDUSTRIES INC**  
Employer

**APPEAL 16A-UI-11081-DL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/18/16**  
**Claimant: Appellant (4-R)**

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 6, 2016, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment with Peckham Vocational Industries, Inc. (Peckham). The parties were properly notified about the hearing. A telephone hearing was held on October 27, 2016. Claimant participated with her mother Dixie Spiker. Employer participated through business services coordinator Meg Dobbs.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Has the claimant requalified for benefits since the separation from this employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time customer service representative with Peckham from December 2014, through February 11, 2016. She quit to move from Muscatine, Iowa, to Oquawka, Illinois, and found work with Shearers Foods Burlington (Shearers) (512410). The administrative record clearly indicates she has since requalified for benefits by having worked in and been paid insured wages of at least ten times her weekly benefit amount with Shearers. She was separated from that employment in September 2016, and that separation has not yet been addressed by IWD Benefits Bureau.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer but has since requalified for benefits.

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.

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.

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant's separation is disqualifying. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 369838) shall not be charged.

#### **DECISION:**

The October 6, 2016, (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

**REMAND:** The Shearer separation issue delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview and unemployment insurance decision.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs