

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SCOTT T VARGASON**  
Claimant

**APPEAL NO. 11A-UI-10257-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BRUCE A JOHNSON**  
Employer

**OC:01/16/11**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated July 26, 2011, reference 06, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 29, 2011. Claimant participated. The employer was represented by Brian Eddy, attorney at law. The record consists of the testimony of Scott Vargason and Employer's Exhibits 1-2.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked for the employer as a full-time plumber. He started his employment on July 17, 2008, as an apprentice. The employer assisted the claimant with getting his license and helped fund the claimant's training to become an electrician. The claimant's last day of work was July 1, 2011, when his voluntary resignation became effective.

The claimant decided to resign his position after his wife was offered a new job in Cedar Rapids. The claimant was also dissatisfied with the working environment because the employer is a family owned business and the family had arguments between themselves. The claimant felt uncomfortable when those arguments occurred.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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), (10), (21) 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 § 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 § 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.

(10) The claimant left employment to accompany the spouse to a new locality.

(21) The claimant left because of dissatisfaction with the work environment.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence is uncontroverted that it was the claimant who initiated the separation of employment. The claimant informed the employer that his wife had accepted a new job in Cedar Rapids, Iowa, and that he would moving to Cedar Rapids with her. The claimant was also dissatisfied with the working environment because of arguments that took place among the family members who owned the business. He did not tell his employer that this was one of the reasons that he was moving. The claimant intended to sever the employment relationship and did so by informing the employer he was leaving and submitting a written resignation. The employer and the claimant mutually agreed on the July 1, 2011, effective date.

The claimant may have had good personal reasons for leaving his employment. None of these reasons constitute good cause attributable to the employer. Accordingly, the claimant is not eligible for unemployment insurance benefits. Benefits are denied.

**DECISION:**

The decision of the representative dated July 26, 2011, reference 06, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs