

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**STACY R REESE
506 S MARSHALL
BURLINGTON IA 52601**

**TEAM STAFFING
4357 CZECH LN NE
CEDAR RAPIDS IA 52402**

**Appeal Number: 04A-UI-08225-DWT
OC: 07/04/04 R: 04
Claimant: Respondent (4)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.27 – Voluntary Quit Part-Time Employment

STATEMENT OF THE CASE:

Team Staffing (employer) appealed a representative's July 23, 2004 decision (reference 01) that concluded Stacy R. Reese (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the reasons for the claimant's separation were for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 23, 2004. The claimant participated in the hearing. Wendy Clang, the employer's claims specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that disqualify her from receiving unemployment insurance benefits?

FINDINGS OF FACT:

In early June 2004, the claimant registered to work for the employer, a temporary staffing agency. When the claimant registered, she informed the employer she was moving to another part of the state in the near future. The employer assigned the claimant to a part-time job on June 8. The claimant's last day of work was June 24.

On June 24, the claimant told the employer she could not do any more work because she was moving to Burlington. Although the claimant asked if she could transfer her job application to Burlington, the employer does not have a Burlington office. The claimant moved to Burlington and established a claim for benefits during the week of July 4, 2004.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. In this case, the claimant quit an on-going part-time temporary assignment because she moved to Burlington.

When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2. The law presumes a claimant has voluntarily quit without good cause when she leaves employment to relocate to another locality. 871 IAC 24.25(2). The facts establish the claimant quit her employment without good cause attributable to the employer. Therefore, the employer's account will not be charged. Iowa Code §96.7-2-a(2).

The law also provides that a claimant who quits a part-time job without good cause and has not requalified, but is otherwise monetarily eligible to receive benefits based on wages paid by regular or other base period employers will not be disqualified from receiving unemployment insurance benefits for quitting a part-time job. 871 IAC 24.27. Therefore, based on this regulation the claimant is not disqualified from receiving unemployment insurance benefits based on the reasons for her employment separation with the employer.

DECISION:

The representative's July 23, 2004 decision (reference 01) is modified in the employer's favor. The claimant voluntarily quit her part-time employment without good cause attributable to the employer. Therefore, the employer's account will not be charged. Since the claimant voluntarily quit a part-time job as of July 4, 2004, she is not disqualified from receiving benefits based on this employment separation.

dlw/pjs