

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN L SKINNER

Claimant

APPEAL NO. 16A-UI-10378-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY

Employer

OC: 08/28/16

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated September 19, 2016, reference 01, denying unemployment insurance benefits finding the claimant voluntarily quit work on September 2, 2016 to move to a different locality. After due notice was provided, a telephone hearing was held on October 6, 2016. Claimant participated. Although duly notified, the employer's witness was not available at the telephone number provided.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Brian Skinner was employed by Swift Pork Company from approximately November 1, 2015 when the company was acquired from previous owners until September 2, 2016 when he voluntarily left employment to re-locate to a different geographic area with his wife. Mr. Skinner was most recently employed as a full-time supervisor and was paid by salary. His immediate supervisor was Brian Glosser.

Mr. Skinner left his employment with Swift Pork Company to re-locate to North Carolina with his wife who had accepted employment in that geographic area. The claimant considered his leaving to be justified because he had worked for the company for an extended period and because his wife had the opportunity to earn a higher level of income in her new employment. Work continued to be available to Mr. Skinner when he left.

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.

Iowa Admin. Code r. 871-24.25(10) 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:

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

In the case at hand, the evidence in the record establishes that Mr. Skinner's sole reason for leaving his employment with Swift Pork Company was his desire to re-locate to a different geographic area with his wife who had taken employment in the new geographic area. While the claimant's reason for quitting is undoubtedly a good-cause reason from his personal viewpoint, it is not a good-cause reason attributable to the employer. Accordingly, the claimant is disqualified from unemployment insurance benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

DECISION:

The representative's decision dated September 19, 2016, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs