

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTANY SUMNER
Claimant

DATA DIMENSIONS CORP
Employer

APPEAL 19A-UI-00140-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/16/18
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25 – VQ – Moved

STATEMENT OF THE CASE:

Brittany Sumner, Claimant, filed an appeal from the January 3, 2019 (reference 01) unemployment insurance decision that denied benefits because she voluntarily quit work with Data Dimensions, Corp., Employer, for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on January 22, 2019 at 3:00 p.m. Claimant participated. Employer did not participate. No exhibits were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to the employer.

FINDINGS OF FACT:

As claimant was the only witness, the administrative law judge makes the following findings of fact based solely upon claimant's testimony: Claimant was employed full-time as a clerical worker from August 27, 2018 until her employment with Data Dimensions, Corp. ended on October 5, 2018. Claimant voluntarily quit her job on October 5, 2018 with immediate effect. The reason claimant quit was to relocate to another state for personal reasons. Claimant liked her job and wishes she could have continued working for employer. Continuing work was available to claimant if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit her employment without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship

accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer. Iowa Code § 96.6(2).

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.

Claimant voluntarily quit her employment by telling her supervisor that she quit with immediate effect. Claimant's resignation shows her intention to end her employment relationship with employer and serves as an overt act of carrying out her intention. Claimant quit her job to relocate to another state for personal reasons. While claimant's reason for quitting her employment is understandable, it is not attributable to the employer. Claimant has not met her burden of proving that her voluntary quit was for good cause attributable to the employer. Therefore, claimant is disqualified for benefits.

DECISION:

The January 3, 2019 (reference 01) unemployment insurance decision is affirmed. Benefits are denied until such time as the claimant works in and has been paid wages for insured work equal to ten times claimant's weekly benefit amount.

Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, IA 50319-0209
Fax: 515-478-3528

Decision Dated and Mailed

acw/rvs