

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARISSA DUGGAN
Claimant

APPEAL NO. 08A-UI-11538-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HOSPITAL
Employer

OC: 11/09/08 R: 12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Carissa Duggan filed a timely appeal from an unemployment insurance decision dated December 4, 2008, reference 01, that disqualified her for benefits following her separation from employment at Mercy Hospital. After due notice was issued, a telephone hearing was held December 23, 2008 with Ms. Duggan participating. Roger Wilson and Eddie Brown participated for the employer. Employer Exhibit 1 was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative judge finds: Carissa Duggan was employed by Mercy Hospital in Des Moines, Iowa from August 13, 2007 until she resigned August 11, 2008. She last worked as a voice network engineer. During the time that Ms. Duggan was employed by Mercy Hospital the entire IT department of the hospital was in the process of being taken over by the parent company, Catholic Health Initiatives. The acquisition was finally completed on December 21, 2008. Tim Small, Ms. Duggan's former manager, indicated to her in March 2008 that her pay would be adjusted at the time of the acquisition. Ms. Duggan believed that the pay adjustment would occur immediately.

Nevertheless, Ms. Duggan signed an offer of employment with Catholic Health Initiatives later in the spring of 2008. At the same time, however, she submitted a letter of resignation. In that letter she indicated that she would be willing to stay on until her replacement was hired and trained.

Both Ms. Duggan and her husband were reviewing their career opportunities at the time. Her husband was managing a local Sears store, but neither felt committed to staying in their current positions. In August 2008 Ms. Duggan notified Mercy Hospital that she had sold her home and had accepted a position in St. Louis, Missouri. It was thereupon decided that August 11, 2008

would be Ms. Duggan's last day of work. Ms. Duggan did not take the job in St. Louis, however. On October 6, 2008 she and her husband moved to Missouri City, Texas where he has accepted a new position.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant voluntarily left employment with good cause attributable to the employer. It does not.

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.

The claimant gave several reasons for her resignation, the first one being what she perceived to be an unfulfilled promise about a pay raise. Listening carefully to the witnesses, the administrative law judge concludes that Ms. Duggan may have been told that her pay would be reviewed when the position switched to Catholic Health Initiatives, but there was no promise from a person with authority to do so that Ms. Duggan would receive a raise from Mercy Hospital. Since the claimant's duties and pay did not change, the administrative law judge concludes that the pay issue did not constitute good cause attributable to the employer for a resignation.

Iowa Code section 96.5-1-a allows benefits to individuals who resign to accept other employment. The statute requires, however, that the individual must actually perform services for the subsequent employer. Ms. Duggan testified that having accepted the job in St. Louis, she eventually did not work there.

The claimant eventually followed her husband's career and moved to Texas where he accepted employment. Resignation in order to move or to accompany a spouse in a move to a new locality does not give one good cause attributable to the employer to resign.

Considering each of the reasons for resignation separately and also considering the totality of the circumstances, the administrative law judge concludes that the evidence does not establish that the claimant left work with good cause attributable to the employer. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated December 4, 2008, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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