

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**SCOTT HALSEY**

Claimant

**APPEAL NO. 21A-UI-16685-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS HEALTH SYSTEM**

Employer

**OC: 04/11/21**

**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant, Scott Halsey, filed a timely appeal from the July 19, 2021, reference 04, decision that disqualified him for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on March 19, 2021 without good cause attributable to the employer. After due notice was issued, a hearing was held on September 21, 2021. The claimant participated. Nicole Lear represented the employer and presented additional testimony through Patti Finnegan. Exhibits 1 through 4 and A were received into evidence.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant, Scott Halsey, was employed by Genesis Health System as a full-time Patient Account Specialist until March 19, 2021, when he voluntarily quit to relocate to Colorado so that he could be near to and assist his elderly mother with her significant health issues. The workplace was in Davenport. During the employment, the claimant resided in Davenport. At the time, the claimant submitted his resignation and at the time the claimant separated from the employment, the employer continued to have the same employment available for the claimant. The claimant determined when his last day in the employment would be and moved the date up from March 26, 2021 to March 19, 2021 so that he could have more time to prepare for his move to Colorado.

The claimant moved to Colorado on April 1, 2021 and has remained in Colorado since that time. The claimant has continued to assist his mother with activities of daily living and his mother's health condition had remained steady. The claimant has not returned to the employer in Davenport to offer his services. Rather, the claimant accepted new full-time employment in Colorado and started the new employment on June 28, 2021.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1)(c) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

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).

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.

The evidence in the record establishes a March 19, 2021 voluntary quit that was without good cause attributable to the employer. There were two bases for the claimant's quit. The primary basis was the claimant's need and desire to assist his mother with her significant health issues. To do that, the claimant relocated to the Colorado. Each basis establishes a voluntary quit without good cause attributable to the employment. Once the claimant left to care for his mother, he did not return to offer his services and instead accepted new employment in Colorado. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

**DECISION:**

The July 19, 2021, reference 04, decision is affirmed. The claimant voluntarily quit the employment on March 19, 2021 without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

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James E. Timberland  
Administrative Law Judge

September 24, 2021  
Decision Dated and Mailed

jet/kmj