

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAWN E DAWSON**  
Claimant

**APPEAL NO. 11A-UI-14810-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DILLARD'S INC**  
Employer

**OC: 10/09/11  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Dawn Dawson, filed an appeal from a decision dated November 4, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 9, 2011. The claimant participated on her own behalf. The employer, Dillard's, participated by Assistant Store Manager Joshua Koenig.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Dawn Dawson was employed by Dillards from March 15 until September 10, 2011 as a full-time sales associate in Louisville, Kentucky. On August 26, 2011, she notified the department manager she would be quitting to move back to Iowa sometime within the next month. On September 10, 2011, she announced that would be her last day because the arrangements for her move had been completed.

**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.

871 IAC 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 § 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 § 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 sole reason for Ms. Dawson's resignation was to move to another locality. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and she is disqualified.

**DECISION:**

The representative's decision of November 4, 2011, reference 01, is affirmed. Dawn Dawson is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs