

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARGIE M NORTHERN
Claimant

APPEAL NO. 07A-UI-10690-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORDSTROM INC
Employer

**OC: 09-30-07 R: 12
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 9, 2007, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on December 17, 2007. The claimant did participate. The employer did participate through Robin Pospisil, Human Resources Manager, and Kristine Jensen, Team Leader.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a customer service representative, full-time, beginning March 29, 2004, through July 4, 2007, when she voluntarily quit.

The claimant offered her resignation to be effective July 4, 2007 because she wanted to move to Indiana to be closer to her fiancé. She attempted to arrange a transfer to another store owned by the employer in the Indianapolis area. She spoke to Alicia Marburger, manager of the handbag or accessories department at the Indianapolis store. Ms. Marburger told that claimant that she had a position for her in the department so long as the claimant would arrive prior to July 20, when the store was planning on commencing a big sale. The claimant did not arrive in Indianapolis in time to start the job. The employer filled the job with another candidate because the claimant did not move to Indiana until September 15, 2007. The claimant waited to move to Indiana in order to work out some problems with her apartment. The apartment issues the claimant had were not attributable to the employer or connected to the employer.

The claimant was told that when she arrived in Indiana she could apply for open positions but she was not guaranteed a job. The claimant left Iowa to move to Indiana and the employer was not obligated to hold a position for her or guarantee her a job when she arrived in Indiana. Continued work was available for the claimant at the Cedar Rapids location if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

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

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

While claimant's decision to quit to move to another area was based upon good personal reasons, it was not a good-cause reason attributable to the employer for leaving. The claimant did not move to Indianapolis in time to secure another position as was required of her if she wanted to transfer. The employer was under no obligation to hold a position open for the claimant for any length of time. The claimant left Nordstrom to move to Indiana and no transfer was ever completed. Benefits must be denied.

DECISION:

The November 9, 2007, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw