

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LIEN K HOANG
Claimant

APPEAL NO: 09A-UI-07109-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS DAIRY INC
Employer

OC: 11/23/08
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(2) – Move to a New Locality

STATEMENT OF THE CASE:

The claimant appealed a department decision dated May 1, 2009, reference 01, that held she voluntarily quit employment on February 6, 2009, and benefits are denied. A telephone hearing was scheduled for July 6, 2009. The claimant participated. Lynn Corbeil, Representative, and Alfredo Moreno, HR Representative, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant worked for the employer as a full-time assistant machine operator from December 19, 2005 to February 6, 2009. The claimant gave two-week notice on January 19 that she was quitting to relocate with her husband to Texas. The claimant worked the notice period, and left employment. Continuing employment was available to the claimant.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

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 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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on February 6, 2009 to move to a different locality.

DECISION:

The department decision dated May 1, 2009, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on February 6, 2009. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs