

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HANNAH N PERKINS
Claimant

WESLEYLIFE
Employer

APPEAL NO. 12A-UI-11078-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/19/12
Claimant: Appellant (4)

Section 96.5-1-b – Voluntary Quit/Military Spouse

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated September 12, 2012 reference 02 that held she voluntarily quit without good cause on August 12, 2012, and benefits are denied. A hearing was held on October 10, 2012. The claimant did not participate. Jessica Young, D.O.N., and Amy Pasqualetto, Representative, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds that: The claimant started work as a full-time C.N.A. for the employer beginning June 16, 2011. She married her spouse who is in the military on May 24, 2012. She gave notice to the employer she was leaving employment August 12 to join her husband who is stationed in Cherry Point, North Carolina. While there was deployment delay, claimant joined her spouse on September 14. The employer accepted claimant's resignation.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-b 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. But the individual shall not be disqualified if the department finds that:
 - b. The individual's leaving was caused by the relocation of the individual's spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Relief of charges under

this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes that the claimant voluntarily quit with good cause attributable to her employer when she left her job to join her military spouse effective August 12, 2012.

The claimant gave notice and left her job to join her military spouse stationed in North Carolina. While there was a deployment delay, this circumstance does not change claimant's reason for employment separation. The employer's account is not charged for benefits paid to claimant.

DECISION:

The decision of the department representative dated September 12, 2012, reference 02, is modified. The claimant voluntarily quit with good cause on August 12, 2012. Benefits are allowed, provided the claimant is otherwise eligible. The employer's account is not charged.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs