

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BONNIEJO MURPHY
Claimant

APPEAL NO. 12A-UI-15079-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SLD ENTERPRISES
CLASSIC CLEANERS**
Employer

**OC: 11/25/12
Claimant: Appellant (4-R)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.27 – Voluntary Quit of Part-Time Employment

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision that was dated December 21, 2012, reference 01, which denied benefits finding the claimant voluntarily quit work on November 16, 2012 to look for another job. After due notice, a telephone hearing was held on January 28, 2013. Claimant participated. The employer participated by Ms. Sheryl Dralle, Owner/Manager.

ISSUE:

The issue is whether the claimant left her employment with SLD Enterprises with good cause attributable to the employer and whether the claimant is potentially eligible for benefits on previous full-time employment.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Bonniejo Murphy began employment with the captioned employer d/b/a Classic Cleaners in March 2011. Ms. Murphy was employed as a part-time general worker and was paid by the hour. Her immediate supervisor was the company owner, Sheryl Dralle.

Ms. Murphy quit her employment with Classic Cleaners on November 16, 2012 to move to a different geographic area where she hoped to find work. Work continued to be available to the claimant at her regular job and pay at the time that she chose to leave Classic Cleaners.

While employed by Classic Cleaners, Ms. Murphy also was employed full time with CDM Food Service, 500 E. 52nd N., Sioux Falls, South Dakota 57104. Ms. Murphy testified that she left that employment on November 24, 2012 after she left employment with Classic Cleaners. Ms. Murphy has reported earnings with her South Dakota employer, Catering By Marlin's, Inc. for the fourth quarter of 2011 and the first, second and third quarters of 2012.

REASONING AND CONCLUSIONS OF LAW:

The first question before the administrative law judge is whether the evidence in the record establishes that Ms. Murphy left her employment with SLD Enterprises with good cause attributable to the employer. She did not.

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). In this matter the evidence clearly establishes that Ms. Murphy did not leave her employment due to job dissatisfaction with her employment at Classic Cleaners but left solely based upon her desire to re-locate to a different geographic area where she hoped to find better employment. While this is undoubtedly a good cause reason from the claimant's viewpoint, it is not a good cause reason that is attributable to the employer and thus the claimant is subject to a benefit disqualification based upon her earnings with this employer during the base period.

The evidence in the record further shows, however, that Ms. Murphy had base period employment that was full time and for insured work with CDM Food Service d/b/a Catering By Marlin's, Inc. and it appears that the claimant may be potentially eligible to receive reduced unemployment insurance benefits from that separation from employment providing that the separation was not disqualifying.

871 IAC 24.27 provides that an individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times his or her weekly benefit amount in wages for insured work but who, nevertheless, has sufficient other wage credits to be eligible for benefits may receive reduced benefits based upon the other base period wages.

The issue of whether the claimant is eligible to receive reduced unemployment insurance benefits based upon wage credits earned from her full-time employment is remanded to the UIS Division for investigation regarding the claimant's eligibility to receive reduced unemployment insurance benefits from wage credits with her previous full-time employer.

DECISION:

The representative's decision dated December 21, 2012, reference 01, is affirmed as modified. The portion of the determination finding the claimant voluntarily quit work without good cause attributable to the employer finding the claimant subject to a benefit disqualification on earnings earned with this part-time employer is affirmed. The issue of whether the claimant may be potentially eligible to receive reduced unemployment insurance weekly benefits based upon wage credits from other employers in the base period is remanded to the UIS Division for determination.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs