

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**BONNIE L BEYEN
PO BOX 1113
INDEPENDENCE KS 67301**

**EXCEPTIONAL PERSONS INC
PO BOX 4090
WATERLOO IA 50704-4090**

**Appeal Number: 05A-UI-01736-BT
OC: 01/23/05 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Bonnie Beyen (claimant) appealed an unemployment insurance decision dated February 16, 2005, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Exceptional Persons, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 7, 2005. The claimant participated in the hearing. The employer participated through Sandy Giordana, Human Resources Director. Employer's Exhibit One was admitted into evidence.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired full-time on December 9, 1992 in this home for adults with developmental and/or physical disabilities. She had previously worked as a counselor but was demoted on June 14, 2004 to the position of in-house supported living staff. The claimant was demoted for her failure to report that an employee was having a visitor spend the night with her at the consumer's residence. The claimant felt the demotion was unfair but worked in the new position until July 26, 2004, when she went on medical leave. The claimant got married on September 3, 2004 and her husband lived in Kansas. She returned to work on September 9, 2004. On November 16, 2004, she submitted her written resignation with an effective date of December 24, 2004. The resignation letter reported the claimant had enjoyed the opportunity to work for such an "outstanding organization." There was no mention in the letter of any problems the claimant was having. The employer understood the claimant left because she moved to Kansas to be with her husband.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1. The evidence demonstrates the claimant voluntarily quit on December 24, 2004. The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code section 96.6-2.

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 voluntarily quit because she moved to Kansas to live with her husband. Although the claimant contends she quit her employment earlier than intended as a result of the demotion, the evidence confirms she quit to move to Kansas. While the claimant may have had compelling personal reasons to voluntarily quit her employment, these reasons do not constitute good cause attributable to the employer. Benefits are therefore denied.

DECISION:

The unemployment insurance decision dated February 16, 2005, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

sdb/sc