

**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**

**MABEL B FLORES
211 N 9TH ST
MARSHALLTOWN IA 50158**

**ACCOUNT TEMPS
5720 STONERIDGE DR
PLEASANTON CA 94588**

**Appeal Number: 04A-UI-09247-HT
OC: 06/04/04 R: 02
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 - Quit

STATEMENT OF THE CASE:

The claimant, Mabel Flores, filed an appeal from a decision dated August 20, 2004, reference 05. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 11, 2004. The claimant participated on her own behalf. The employer, Account Temps, participated by Staffing Executive Isabel Cordova.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Mabel Flores was employed by Account Temps from April 29 until August 23, 2004. She was a full-time employee. The claimant requested, and was granted, a leave of absence, effective July 30, 2004, to return to Iowa to care for her father. It was expected the leave would only be two weeks but Ms. Flores notified Account Executive Isabel Cordova on August 23, 2004, to inform her that she would have to resign as it was necessary for her to stay in Iowa. A formal written resignation was submitted August 30, 2004.

The claimant's father is somewhat recovered as of the date of the hearing but the claimant is still providing some day to day care for him.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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 quit her employment with Account Temps in California because she had to take up permanent residence in Iowa in order to be near her father. While this is good personal cause, it does not constitute good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of August 20, 2004, reference 05, is affirmed. Mabel Flores is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjf