

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

DEBBIE J BARTELS  
8250 BRICKER RD NW  
MASSILLON OH 44646

APAC CUSTOMER SERVICES INC  
c/o TALX – UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-03407-SWT  
OC: 03/06/05 R: 04  
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, 4<sup>th</sup> 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:

The claimant appealed an unemployment insurance decision dated March 25, 2005, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 23, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Julie Giese participated in the hearing on behalf of the employer with witnesses, Turkessa Hill and Paul Slemr.

FINDINGS OF FACT:

The claimant worked full time for the employer as a customer service representative from September 8, 2003 to January 26, 2005. The claimant voluntarily quit employment because she was unable to keep up with her rent payments after she stopped receiving child support and alimony payments from her ex-husband and was facing eviction from her apartment. She quit to move to Ohio where her sister offered her a place to live. The claimant was dissatisfied

with the wages she was receiving from the employer, but she was receiving the wages in line with what she was told when she was hired. She had received a one-dollar per hour raise after completing her training. No other raises were guaranteed by the employer.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case 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 claimant voluntarily quit employment without good cause attributable to the employer. Under the circumstances, the claimant's decision to quit and move to live with her sister in Ohio makes sense, but her reasons for quitting were not attributable to the employer.

#### DECISION:

The unemployment insurance decision dated March 25, 2005, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/pjs