

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASSIE HUNTAMER
Claimant

APPEAL NO: 10A-UI-12770-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARTIN LUTHER HOME CORP
Employer

OC: 08/08/10
Claimant: Appellant (4)

Iowa Code § 96.5-1-b - Voluntary Quit Due to Military Spouse Relocation

STATEMENT OF THE CASE:

Cassie Huntamer (claimant) appealed an unemployment insurance decision dated September 1, 2010, reference 01, which held that she was not eligible for unemployment insurance benefits because she quit her employment with Martin Luther Home Corporation (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 October 25, 2010. The claimant's father, Martin Robinson, participated on her behalf. The employer participated through Troy Smith, Human Resources Director. Claimant's Exhibit A was admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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 employed as a full-time certified nursing assistant from April 6, 2010 through August 11, 2010. She voluntarily quit her employment due to relocating to Japan with her military spouse.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

Iowa Code § 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.

Iowa Code § 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.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code § 96.5(1). Iowa has enacted a new law applicable to claims filed on or after July 4, 2010 that allows benefits to an individual who leaves employment to accompany a military spouse who has been transferred. The claimant left her employment on August 11, 2010 due to a military relocation.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has satisfied that burden. Benefits are allowed and the employer's account shall not be charged.

DECISION:

The unemployment insurance decision dated September 1, 2010, reference 01, is modified in favor of the appellant. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account shall not be charged.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs