

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE L MANGIAMELLI
Claimant

APPEAL NO. 08A-UI-02656-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOODKIND & GOODKIND DIRECT INC
Employer

**OC: 02/24/08 R: 12
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Michelle Mangiamelli filed a timely appeal from the March 14, 2008, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on April 1, 2008. Ms. Mangiamelli participated. Philip Nickisch represented the employer. Exhibits A through F were received into evidence.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Michelle Mangiamelli was employed by Goodkind & Goodkind Direct, Inc., from September 8, 2005 until June 15, 2007. Philip Nickisch, Senior Vice President, functioned as Ms. Mangiamelli's supervisor. At the end of the employment with Goodkind & Goodkind Direct, Ms. Mangiamelli was a quality assurance supervisor in training. Ms. Mangiamelli voluntarily quit to relocate with her husband and family to the state of Washington. The quit was prompted by Ms. Mangiamelli's husband being transferred by his employer to Washington. In making the decision to quit the employment, Ms. Mangiamelli also considered that her family would be able to obtain a better health insurance policy through her husband's employment. At the time of the quit, Goodkind & Goodkind Direct continued to have work available for Ms. Mangiamelli and considered her a valued employee.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

A claimant who voluntarily quits employment to move to a different locality or to accompany a spouse to a new locality is deemed to have quit without good cause attributable to the employer. See 871 IAC 24.25(2) and (10).

The evidence indicates that Ms. Mangiamelli voluntarily quit to move to a different locality with her husband. While Ms. Mangiamelli had compelling personal reasons for quitting the employment, the quit was not for good cause attributable to the employer. Accordingly, Ms. Mangiamelli is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Mangiamelli.

DECISION:

The Agency representative's March 14, 2008, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css