

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALI ABDI**  
Claimant

**APPEAL NO: 14A-UI-03343-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS ENTERPRISES INC**  
Employer

**OC: 02/02/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving  
871 IAC 24.25(2) – Voluntary Quit to Move  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 27, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 21, 2014. The claimant participated in the hearing with Interpreter Amina Dualle. Courtney Wilson, Human Resources Business Partner and Frank Eckert, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issues are whether the claimant's appeal is timely and whether he voluntarily left his employment to move.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A disqualification decision was mailed to the claimant's last-known address of record on February 27, 2014. The claimant received the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by March 9, 2014. That date fell on a Sunday so the appeal was actually due March 10, 2014. The appeal was not filed until March 26, 2014, which is after the date noticed on the disqualification decision. English is not the claimant's first language and he did not understand he had to appeal the representative's decision within 10 days of it being issued. When he became aware of that issue he contacted Iowa Workforce Development and was instructed to appeal the decision. For those reasons, the administrative law judge concludes the claimant's appeal is timely.

The claimant was employed as a full-time sanitation assistant specialist for Wells Enterprises from February 16, 2009 to January 25, 2014. The claimant submitted a three-week resignation notice stating he was voluntarily quitting and moving to Fargo, North Dakota, because he is a widower with five children and has family in Fargo who could help him with childcare. The employer had continued work available for the claimant had he not left.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). In order for benefits to be allowed, the reason for leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer.

While the claimant's decision to quit to move to Fargo, North Dakota, was based upon good personal reasons, he has not demonstrated a good-cause reason attributable to the employer for his leaving. (Emphasis added). In order for the claimant to be eligible for unemployment insurance benefits, the employer has to have done something wrong. In this case the employer did not do anything unlawful, intolerable or detrimental to the claimant and the claimant testified how much he enjoyed his job with the employer. Therefore, because the claimant left for good personal reasons but not due to issues with his job or the employer, benefits must be denied.

**DECISION:**

The February 27, 2014, reference 01, decision is affirmed. The claimant's appeal is timely. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs