

**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**

**THERESA L JANKOWSKI
340 HOWARD DR
MOODY TX 76557**

**TARGET CORPORATION
1000 NICOLLET MALL TPN130
MINNEAPOLIS MN 55403**

**Appeal Number: 05A-UI-06450-JTT
OC: 05/22/05 R: 12
Claimant: Appellant (1R)**

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) – Voluntary Quit

STATEMENT OF THE CASE:

Theresa Jankowski filed a timely appeal from the June 8, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 7, 2005. Ms. Jankowski participated. Executive Team Leader of Human Resources Cheryl Oderkirk represented Target.

FINDINGS OF FACT:

Theresa Jankowski was employed by Target as a part-time flow team member from September 10, 2003 until April 22, 2005, when she voluntarily quit. Ms. Jankowski quit the employment in order to move to Texas with her daughter and son-in-law. There was no other reason for the quit.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Jankowski voluntarily quit her employment for good cause attributable to Target. It does not.

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 evidence in the record establishes that that while Ms. Jankowski may have had compelling personal reasons for quitting and moving to Texas, her voluntary quit was not for good cause attributable to Target.

DECISION:

The Agency Representative's decision dated June 8, 2005, reference 01, is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. The employer's account will not be charged for benefits paid to the claimant. The matter is remanded to the fact finder for a re-determination of the claimant's eligibility for reduced benefits based on any wage credits the claimant may have earned from other employers.

jt/kjw