

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CELESTE ZEPEDA
Claimant

APPEAL NO. 11A-UI-08216-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 05/15/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Celeste Zepeda filed a timely appeal from an unemployment insurance decision dated June 21, 2011, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held July 14, 2011 with convenience store manager, Glen Thomas, testifying for the employer, Hy-Vee, Inc. The employer was represented by Alice Rose Thatch, Attorney at Law. Ms. Zepeda did not respond to the hearing notice. Exhibit One was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Celeste Zepeda was employed as a part-time clerk at a Hy-Vee gas station from March 3, 2010 until she resigned on March 31, 2011 telling her supervisor that she was moving to Texas. Further work was available had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant left work with good cause attributable to the employer. She did not.

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.

An individual who resigns in order to move to a different locality leaves work without good cause attributable to the employer. See 871 IAC 24.25(2). The evidence establishes that the claimant

left employment in Iowa in order to move to Texas. Whether the move has been completed is immaterial. Benefits are withheld.

DECISION:

The unemployment insurance decision dated June 21, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs