

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CYNTHIA K DUKES
Claimant

APPEAL NO. 06A-UI-11741-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

**OC: 07/02/06 R: 02
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Cynthia Dukes filed an appeal from a representative's decision dated December 1, 2006, reference 01, which denied benefits based on her separation from Winnebago Industries. After due notice was issued, a hearing was held by telephone on December 21, 2006. Ms. Dukes participated personally. The employer participated by Lorna Vrostlik, Personnel Recruiter. Exhibit One was admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Dukes was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Dukes began working for Winnebago Industries on August 26, 2002. She was last employed full time as a line worker in production. On November 6, 2006, she gave written notice that she was quitting effective November 10, 2006. She indicated she was moving to another town.

Ms. Dukes and her family relocated to Sioux Center, Iowa, for her husband to accept work. But for the move, she would have remained in her employment. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

Ms. Dukes quit her employment with Winnebago Industries. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Ms. Dukes quit to relocate out of town because of her husband's new employment.

An individual who leaves employment to move to a new locality or to accompany a spouse to a new locality is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(2), (10). The relocation was the sole reason for Ms. Dukes' quit. Although she had good personal cause for leaving her employment, her reasons were not attributable to the employer. Therefore, she is not entitled to job insurance benefits.

DECISION:

The representative's decision dated December 1, 2006, reference 01, is hereby affirmed. Ms. Dukes quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw