

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

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PELLA CORPORATION  
c/o SHEAKLEY UNISERVICE INC  
PO BOX 1160  
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-01134-H2T  
OC: 11-27-05 R: 12  
Claimant: Appellant (1)

**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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 20, 2006, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on February 15, 2006. The claimant did participate. The employer did participate through Amy Carpenter, Human Resources Business Partner; Gary Spoelestra, Supervisor; and was represented by Richard Carter of Talx UC express.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a technical publication writer and designer full time beginning February 22, 2000 through November 30, 2005 when she voluntarily quit.

The claimant was working at the employer's Iowa facility when her husband, also an employee, was offered a transfer to the Kentucky plant. The claimant was not offered a transfer. The claimant was told that she could continue to do her current job through November 30 at the Kentucky plant location, but after November 30 she would not be allowed to work from that location. The claimant asked to be allowed to work from the Kentucky plant location so she could accompany her husband on the move to Kentucky as he had accepted the employer's offer of a transfer. If the claimant had remained in Iowa she could have remained at her job with the employer at the Iowa facility. The claimant chose to move to Kentucky with her husband knowing that if she did so, her job would be lost after November 30. The employer agreed to allow the claimant to continue working through November 30 so that she would be eligible for her year-end bonus. The claimant was never promised continuing work with the employer if she moved to Kentucky. After moving to Kentucky, the claimant contacted her supervisor, Mr. Spoelestra, on several occasions to ask him if he had changed his mind about letting her work away from the Iowa facility. The claimant was consistently told that she would not be allowed to work in Kentucky at her position after November 30. Continued work was available for the claimant at the Iowa facility had she not moved.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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 Section 96.6-2 (amended 1998). While the claimant may have had a good reason to move to Kentucky to be with her husband who was transferring there, her reason is not good cause attributable to the employer. The claimant knew when she went to Kentucky that she would only be allowed to work there through November 30 and that after that it was possible that no position would be available for her. The claimant chose to take

that risk when she moved to be with her husband. The claimant's action amounts to a voluntary quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The January 20, 2006, reference 01, decision is affirmed. The claimant voluntarily left her employment without 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 benefit amount, provided she is otherwise eligible.

tkh/s