

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICKI L BERGER
Claimant

APPEAL NO: 09A-UI-10700-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PEARSON GOVERNMENT SOLUTIONS INC
Employer

OC: 06/21/09
Claimant: Appellant (2)

Section 96.5-1- Voluntary Quit

STATEMENT OF THE CASE:

Vicki L. Berger (claimant) appealed a representative's July 20, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Pearson Government Solutions, Inc. (employer) would not be charged because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 12, 2009. The claimant participated in the hearing with her husband, Donald Berger. The employer did not respond to the hearing notice and no one appeared at the hearing on the employer's behalf. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on November 13, 2006. At the time of hire, the employer had offices in Cedar Rapids and Coralville. The claimant informed the employer she had no interest in working in Coralville, she only wanted to work in Cedar Rapids. The employer hired the claimant to work at the Cedar Rapids location.

Prior to her employment separation, the claimant worked full time in customer service for Medicare. Shortly after the claimant started her employment, the employer sold part of its business to Vangent, Inc. The employer's payroll checks listed Vangent, Inc. as her employer. The employer, Pearson Government Solutions, Inc., reported to Iowa Workforce Development Department that it paid wages to the claimant in 2008 and 2009.

During her employment, the employer talked about moving all employees to the Coralville location. Since the employer vacillated between moving to Coralville and staying in Cedar Rapids, the claimant kept working. In early June the employer told employees all employees would be working in Coralville and the Cedar Rapids location would be closed. The employer

talked about implementing a van so employees could ride to Coralville, but this idea did not materialize.

On June 19, the employer moved all office equipment out of the Cedar Rapids location to Coralville. The next day, the claimant informed the employer she was quitting effective immediately. The claimant quit because she had been hired to work at the Cedar Rapids location, she did not want to drive about 50 miles to work and she was nervous driving on the road to Coralville.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she has quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The claimant quit her employment on June 19 or after the employer moved all office equipment out of the Cedar Rapids location. The law presumes a claimant quits with good cause when she quits because of a substantial change in the employment. The change must be substantial and can involve changes in location of employment. 871 IAC 24.26(1). Based on the evidence presented, the claimant quit because her location of employment substantially changed from Cedar Rapids to Coralville. The claimant established good cause for quitting. She is qualified to receive benefits as of June 21, 2009.

DECISION:

The representative's July 20, 2009 decision (reference 01) is reversed. The claimant voluntarily quit her employment for good cause attributable to the employer. As of June 21, 2009, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css