

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE R MILLER**  
Claimant

**APPEAL NO. 07A-UI-08032-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**OC: 07/15/07 R: 04**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 16, 2007, reference 01, that concluded she had voluntarily quit employment without good cause. A telephone hearing was held on September 5, 2007. The claimant participated in the hearing. Peg Brandt participated in the hearing on behalf of the employer with a witness, Mark Grittmann. Exhibit A was admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a customer service representative from September 8, 2006, to July 27, 2007. She worked in Des Moines, Iowa. She voluntarily quit employment to relocate with her partner to Columbia, Missouri, because he had secured employment there. There was no other reason for her leaving, and the employer had continuing work for her if she had not left.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit 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's relocation with her partner is understandable but this reason for quitting employment does not meet the definition of good cause attributable to the employer found in the unemployment insurance law. The claimant is under a misunderstanding that the outcome in this case would have been different if she had been married to her partner. This is not correct. Under Iowa law, a spouse who relocates with his wife or her husband is disqualified because the quit is not caused by the employer.

**DECISION:**

The unemployment insurance decision dated August 16, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs