

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA RIOS**  
Claimant

**APPEAL NO: 17A-UI-07837-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT PORK COMPANY**  
Employer

**OC: 07/09/17**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving  
871 IAC 24.25(2) – Voluntary Quit to Move

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 27, 2017, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 18, 2017. The claimant participated in the hearing. The employer provided a telephone number where it could be reached to participate in the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Claimant's Exhibit A was admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment to move.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time purchasing specialist for Swift Pork Company from October 5, 1999 to July 7, 2017. The claimant's husband was also a long-term employee. He accepted a job in Illinois in March 2017 and the claimant notified the employer she was also leaving to move with her husband but would like to stay as long as possible and would be moving to Illinois as well. She also told the employer she would work remotely and could come in two days per week if required. The employer would not allow her to do so. In May 2017 the employer posted the claimant's job as a salaried position allowed to work remotely (Claimant's Exhibit A). The claimant did not apply for the job. Continued work was available with this employer, had the claimant not voluntarily left her employment to move with her husband.

**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, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(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 § 96.6(2). In order for benefits to be allowed, the reason for leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer.

The claimant initiated the separation because her husband accepted other employment and she quit to move to Illinois with him. She was willing to work remotely and continue with the employer but the employer chose not to offer her that option. While the claimant's decision to quit to move to another area was based upon good personal reasons, she has not demonstrated a good-cause reason attributable to the employer for leaving. Therefore benefits must be denied.

**DECISION:**

The July 27, 2017, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/rvs