

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ADAM E HOSACK
Claimant

ENTERPRISE HR II INC
Employer

APPEAL 16A-UI-02944-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/07/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 26, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit to move to another locality. The parties were properly notified of the hearing. A telephone hearing was held on March 29, 2016. The claimant, Adam E. Hosack, participated. The employer, Enterprise HR, participated through Crystal Hawthorne, human resources. Employer's Exhibit A was received and admitted into the record without objection.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a framer from September 4, 2015, until this employment ended on December 8, 2015, when he voluntarily quit.

Claimant was employed by Enterprise HR, the employer, and assigned to work for a client site. Claimant was notified at the time of hire that he was supposed to check in within three days of his last day of working with his client site to receive reassignment to another position. (Exhibit A, page 3) Claimant signed a document acknowledging he was responsible for notifying the employer when his assignment with the client site ended so he could be reassigned. (Exhibit A, page 3)

Claimant told the crew foreman that he was leaving his employment shortly after he last reported to work. Claimant's relationship with his fiancée ended, and he had to move back to Arkansas to find housing. Claimant credibly testified that he moved because his fiancée was pregnant and had another child, and she needed to stay in the home in Florida. When claimant left his employment, continuing work was available to him. The employer mailed him a notice

reminding him to call the employer within 72 hours of his client assignment ending to receive a reassignment. (Exhibit A, page 4) Claimant never called to request reassignment. The employer formally documented claimant's employment ending effective February 1, 2016. (Exhibit A, page 5)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(2) and (20) 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 § 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 § 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.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Claimant has the burden of proving that the voluntary leaving was for good cause **attributable to the employer**. Iowa Code § 96.6(2) (emphasis added). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, it is undisputed that claimant had compelling personal circumstances leading him to move out of state. However, these personal circumstances are not attributable in any way to his employer.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant intended to end his employment and move out of state to find housing. He carried out this intention when he abandoned his job with the employer and moved from Florida to Arkansas. Claimant's decision to leave his employment may have been based upon good personal reasons, but it was not for a good-cause reason attributable to his employer according to Iowa law. Benefits must be withheld.

DECISION:

The February 26, 2016, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Elizabeth Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/pjs