

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LORI A WEISS

Claimant

BUNN-O-MATIC CORPORATION

Employer

APPEAL 15A-UI-06129-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/15

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 19, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on June 30, 2015. The claimant participated with one witness, Larry Krause, stepfather. The employer participated through Suzanne Johnston, with one additional witness, Jennifer Jackson. Employer Exhibit One was received.

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: The claimant was employed full-time as an assembler and was separated from employment on April 24, 2015, when she resigned. Continuing work was available.

The claimant grew up in Foresthill, California. Her mother passed away and she has helped care for her stepfather, Larry Krause, who suffers from chronic emphysema. Mr. Krause decided to move back to the Foresthill, California area, because he has other family in the area, and the claimant moved a month later to help care for him and his finances. The claimant offered her resignation notice (Employer Exhibit One) and worked out her resignation period.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the 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), (23) 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.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

In this case, the claimant voluntarily quit to move to follow her stepfather, Larry Krause, for whom she helped care for after the death of her mother. Based on the evidence presented, the claimant's decision to quit may have been for personally compelling reasons but was not for a good cause reason attributable to the employer under Iowa law. Benefits are denied.

DECISION:

The May 19, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/pjs