

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATHY HARNEY**  
Claimant

**APPEAL NO: 14A-UI-04753-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AEROTEK INC**  
Employer

**OC: 04/13/14**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Kathy Harney (claimant) appealed a representative's May 5, 2014 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Aerotek (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 28, 2014. The claimant participated in the hearing. Jacki Finley appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 for a good cause attributable to the employer?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The employer is a specialized temporary employment firm. The claimant started working for the employer on July 1, 2013. She worked full time as an accountant at the employer's Cedar Rapids, Iowa business client. The claimant's contact was indefinite. While the claimant had initially been told that it could possibly become a contract-to-hire position, in November 2013 she learned that the assignment would not lead to a permanent position. Her last day of work was March 14, 2014. The assignment ended as of that date because on March 5 the claimant had informed the employer that she would be leaving as of March 14 to move to Arizona. While some persons in the business client's offices had received notices that their positions would end within 60 days, as of March 14 the claimant's position had not been targeted to end.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her which and is generally attributable to the employer. Iowa Code § 96.6-2. The claimant has not established that she quit because of a substantial change in the contract of hire. Rule 871 IAC 24.26(1). While the claimant's position might eventually have been ended, leaving in anticipation of a layoff which had not yet been announced is not good cause for quitting. Rule 871 IAC 24.25(29). Leaving in order to relocate and seek work elsewhere is not good cause. Rule 871 IAC 24.25 (2), (3). The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative's May 5, 2014 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of March 14, 2014, benefits are withheld until such time as the claimant 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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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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