

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BROOKE D LAIRD**  
Claimant

**DARWIN T LYNNER CO INC**  
Employer

**APPEAL 16A-UI-07333-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/05/16**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(23) – Serious Family Needs

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 23, 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 July 21, 2016. The claimant, Brooke D. Laird, participated. The employer, Darwin T. Lynner Company, Inc., participated through Eric Lynner, vice president.

**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 property manager from approximately June 2007, until this employment ended on June 10, 2016, when she quit.

Claimant last reported to work on June 10, 2016. Claimant offered her resignation to Eric Lynner on May 13, and requested that June 10 be her last day. Claimant resigned due to multiple serious family situations that forced her to move to Oklahoma, where claimant's family lives. Continued work was available, had claimant not resigned from her position.

**REASONING AND CONCLUSIONS OF LAW:**

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

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(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 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:

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

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). Here, claimant spoke with Lynner and expressed her intent to resign and move to Oklahoma. Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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). It is undisputed that claimant resigned from her job and moved to Oklahoma for compelling personal reasons. However, nothing about claimant's personal circumstances was attributable to her former employer, and there is no provision with Iowa law that allows a claimant who quits her employment for compelling personal reasons to receive unemployment insurance benefits from the general unemployment compensation fund. Benefits must be withheld.

**DECISION:**

The June 23, 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 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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Elizabeth Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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