

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JODY J TALTON
Claimant

APPEAL NO. 12A-UI-09782-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HENNIGES AUTOMOTIVE KEOKUK LLC
Employer

OC: 07-15-12
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 6, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on September 6, 2012. The claimant did participate. The employer did participate through Monica Cochran, Human Resources Generalist. Claimant's Exhibit A was entered and received into the record.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a press operator full time beginning June 27, 2011 through June 28, 2012 when she voluntarily quit. The claimant was a three day no-call no-show for work beginning on June 25, 26 and 27. The claimant quit work to move one hour away from Keokuk to get away from her ex-husband who also worked for the employer. No doctor or medical provider ever instructed or recommended to the claimant that she quit work for any health reason. No medical evidence indicates that the work claimant performed gave her heat rash. She never filed a claim for workers' compensation benefits. The claimant never requested any accommodations from the employer due to her contact dermatitis (heat rash).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code section 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.

871 IAC 24.25(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 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:

(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). 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). The Administrative Law Judge is not persuaded that the claimant voluntarily quit due to any health issue. No doctor recommended she quit due to her heat rash. No medical evidence indicates the work caused her dermatitis. She never asked the employer to change anything about her work due to the contact dermatitis. She quit because she wanted to move away from her ex-husband who also worked for the employer in Keokuk and is now alleging a health issue in order to obtain unemployment insurance benefits. While her decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The August 6, 2012 (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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs