

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID E DRIEVOLD
Claimant

APPEAL NO. 06A-UI-09874-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SECURITAS SECURITY SERVICES USA
Employer

**OC: 04/02/06 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

David E. Drievold (claimant) appealed a representative's October 5, 2006 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Securitas Security Services, USA, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 23, 2006. The claimant participated in the hearing. Gary Franken testified on the claimant's behalf. Beverly Lamb, a representative with TALX, appeared on the employer's behalf. Jim Buser, the field manager, testified 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 his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in August 2004. The claimant worked as a full-time security guard until late March 2006 when the employer's business slowed down after losing a business contract. The claimant then worked part-time and established a claim for partial unemployment insurance benefits. In August 2006, the employer's business picked up and the claimant started working full-time hours again.

The claimant's mother has health-related problems and needs someone with her at all times. The claimant's mother lives in Decorah and the claimant worked and lived in Sioux City. The claimant and his wife decided to move to Decorah so the claimant could help his sisters care for his mother. The claimant gave the employer a two week's notice that he would be quitting as of August 31, 2006. The employer looked into the possibility of the claimant transferring so he could continue his employment in Decorah. The employer did not have any job opening for the

claimant to transfer to. The claimant and his family moved to Decorah, Iowa. The claimant's last day of work was August 31, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant voluntarily quit when he gave the employer his two week's notice. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits his employment when he leaves employment to relocate. 871 IAC 24.25(2). The law also presumes a claimant is qualified to receive benefits if he leaves for the sole purpose of taking care of a family member but returns to work for the employer after the family member has recovered. Iowa Code § 96.5-1-c and 871 IAC 24.26(8).

Iowa Code § 96.5-1-c and 871 IAC 24.26(8) do not apply to this situation because the claimant decided to permanently relocate to Decorah. Even though he relocated to Decorah primarily to help care for his mother, the claimant did not intend to temporarily stay in Decorah. The claimant established compelling personal reasons for quitting. For unemployment insurance purposes, the claimant did not quit his employment for reasons that qualify him to receive benefits. As of September 3, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's October 5, 2006 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 3, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/cs