

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SVETLANA I YUZKOVA
Claimant

HY-VEE INC
Employer

APPEAL 17R-UI-05690-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/12/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 31, 2017, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on June 15, 2017. Claimant participated through CTS Language Link Russian language interpreter. Employer participated through human resource manager Kris Messamer. Keith Mokler of Corporate Cost Control represented the employer.

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 as a part-time dishwasher through January 31, 2017. Claimant quit the employment because she moved to Sedalia, Missouri from Chariton, Iowa, to be nearer to her daughter who could help with her husband's medical concerns. There is no Hy-Vee near where claimant lives in Missouri. Continued work was available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Admin. Code r. 871-24.25(2) 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:

- (2) The claimant moved to a different locality.

While claimant's leaving the employment to move out of state was certainly based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Claimant is also not monetarily eligible for a part-time quit resolution pursuant to Iowa Admin. Code r. 871-24.27.

DECISION:

The March 31, 2017, (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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs