

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JADE I RUGGIERI

Claimant

APPEAL NO. 13A-UI-04175-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 03/03/13

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Jade Ruggieri, filed an appeal from a decision dated April 1, 2013, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 15, 2013. The claimant participated on her own behalf. The employer, Wells Fargo, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Jade Ruggieri was employed by Wells Fargo from March 13, 2012 until February 28, 2013 as a full-time home preservation specialist. In January 2013 she began talks with her employer about the possibility of her being transferred to California. Her spouse was being transferred to that state and she intended to accompany him but wanted to remain with Wells Fargo.

The employer told her it would not transfer her but if she intended to leave the company to go with her spouse they would prefer her to leave at the end of February 2013 because a group of new hires was being trained at that time, and she agreed.

REASONING AND CONCLUSIONS OF LAW:

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(10) 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:

(10) The claimant left employment to accompany the spouse to a new locality.

The claimant's sole reason for quitting was to go to another state with her spouse. The employer did ask her to leave at the end of February 28, 2013, but there is no indication she would have been discharged if she had not.

The record establishes the claimant quit without good cause attributable to the employer and Under the provisions of the above Administrative Code section, is disqualified.

DECISION:

The representative's decision of April 1, 2013, reference 02, is affirmed. Jade Ruggieri is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css