

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EVA WOJCIK**  
Claimant

**APPEAL NO: 10A-UI-08241-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TARGET CORPORATION**  
Employer

**OC: 05/09/10**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Eva Wojcik (claimant) appealed an unemployment insurance decision dated June 1, 2010, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Target Corporation (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 27, 2010. The claimant participated in the hearing. The employer participated through Kerry Sweeney, Executive Team Leader of Human Resources. 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:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on December 11, 2007 as a part-time cashier. She could not pay rent and lost her apartment so had no choice but to move to Illinois near her family. The claimant voluntarily quit on May 4, 2010. This was the only information provided to the fact finder as to the reason why she quit.

At the appeal hearing, she testified she voluntarily quit because she was not getting enough hours and because the employer would not move her to a different position. Although the claimant disputes it, she was hired part time and the employer was unable to provide her with more hours. Additionally, the employer did move her to a customer service position after the claimant provided the proper paperwork showing she sustained tendonitis from her cashier position. However, the claimant does not consider the move to customer service to be a different position because she was cross-trained for that position anyway.

The claimant tried to get human resources to help her transfer to a store in Illinois. Although the claimant was not eligible to transfer due to disciplinary action, the executive team leader in human resources attempted to help her transfer anyway but was unsuccessful.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The evidence demonstrates the claimant voluntarily quit on May 4, 2010. The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code § 96.6-2.

871 IAC 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 § 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 § 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.

The claimant contends because she was not given enough hours and because she wanted to be moved to a different position than customer service. She was only part time and the employer had already moved her from a cashier position to customer service. The administrative law judge concludes the primary reason she quit was because she moved to Illinois to be near her family. While the claimant had compelling personal reasons to voluntarily quit her employment, these reasons do not constitute good cause attributable to the employer. Benefits are therefore denied.

**DECISION:**

The unemployment insurance decision dated June 1, 2010, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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