

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTAL SHEHAN**

Claimant

**APPEAL NO: 18A-UI-05274-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMERICAN CUSTOMER CARE INC**

Employer

**OC: 04/15/18**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Kristal Shehan, the claimant, filed a timely appeal from a representative's unemployment insurance decision dated May 1, 2018, (reference 01) which denied unemployment insurance benefits, finding that the claimant voluntarily left employment on January 26, 2018, without good cause attributable to the employer. After due notice was provided, a telephone hearing was scheduled for and held on May 24, 2018. Claimant participated. Employer participated by Ms. Sue Bellefleur, Payroll Manager.

**ISSUE:**

The issue is whether the claimant left employment with good cause that was attributable to the employer.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Kristal Shehan was employed by American Customer Care, Inc. from August 21, 2017 until January 26, 2018, when she voluntarily left employment to re-locate to another geographic area. Ms. Shehan was employed as a full-time customer service agent and was paid by the hour. Ms. Shehan left her employment with American Customer Care, Inc. on January 26, 2018 to re-locate to Las Vegas, Nevada. Claimant had provided two weeks advanced notice of her intention to leave.

Ms. Shehan left her employment with the captioned company because she considered it to be in the best interest of her daughter to do so. Ms. Shehan had re-located from Las Vegas, Nevada to the state of Iowa, accompanied by her son. The claimant's daughter had remained in Las Vegas under the care of her father. Ms. Shehan left her employment with American Customer Care, Inc. because she felt it was prudent to move back to Las Vegas, Nevada to ensure that her daughter was being properly taken care of.

Work continued to be available to Ms. Shehan at her regular job and hours when she left. Leaves of absence are available to company employees if they apply and meet the company's criteria.

Employees are informed that leave of absences are potentially available by posters in the workplace. Ms. Shehan was not aware of the possibility of leave of absence and did not make application for the absence.

### **REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge in this case is whether the evidence in the record establishes that the claimant left employment with good cause that was attributable to the employer. It does not.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The claimant has the burden of proof to establish that a voluntary quit from employment qualifies the claimant to receive unemployment insurance benefits. Claimant is not qualified to receive unemployment insurance benefits if he or she quit without good cause attributable to the employer. Iowa Code Section 96.5(1).

The claimant voluntarily quit her employment with American Customer Care, Inc. on January 26, 2018 to re-locate back to Las Vegas, Nevada, to provide care for her daughter. While this is undoubtedly a good cause personal reason for leaving, it is not a good cause reason that is attributable to the employer. Accordingly, the claimant is disqualified for unemployment insurance benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

**DECISION:**

The representative's decision dated May 1, 2018, reference 01 is affirmed. Claimant voluntarily left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and meets all other eligibility requirements of Iowa law.

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Terry P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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