

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICOLE M DAUTERIVE**  
Claimant

**APPEAL NO. 11A-UI-00108-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEARS ROEBUCK & CO**  
Employer

**OC: 10/24/10**  
**Claimant: Appellant (1)**

Section 96.5(1)b – Military Spouse Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 16, 2010 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Bridget Clark, Theodore Harlan, and Fred Huffman appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in November 2009. She worked as a full-time customer service/sales representative for water heaters.

The claimant was married in July 2010. Her husband was in the military and stationed at Camp Pendleton when they were married. The claimant gave the employer a two-week notice that her last day of work would be September 27, 2010. The claimant resigned so she could move to California to be with her husband.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). But, a claimant is not disqualified if her leaving was caused by the relocation of her spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Iowa Code § 96.5(1)b.

The claimant established compelling personal reasons for quitting. In this case, her husband was not relocated by the military; he was stationed at Camp Pendleton before the claimant

married him. When the claimant married her husband in July, she knew she would have to decide to stay in Iowa and continue working quit to move to California. Since the claimant's husband was not relocated, but was stationed in California before they were married, the claimant has not satisfied the requirement of Iowa Code § 96.5(1)b.

When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2). The law presumes a claimant quits without good cause when she leaves employment to relocate to different locality. 871 IAC 24.25(2). The claimant quit her employment for compelling personal reasons, but she quit for reasons that do not qualify her to receive benefits.

**DECISION:**

The representative's December 16, 2010 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 24, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw