

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHERYL K WITTER
Claimant

APPEAL NO. 13A-UI-03263-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 01/27/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 12, 2013 (reference 02) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on April 18, 2013. Claimant participated. Employer participated through human resources supervisor, Rhonda Hefter and trainer, Travis Hornberg. Claimant's Exhibits A and B were received. Employer's Exhibit One was received.

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 full-time as a receptionist assigned at Central Iowa Bookkeeping, a CPA firm in Montezuma (not law firm Moore, McKibben, Goodman in Marshalltown) and was separated from employment on January 4, 2013. Claimant was taken off work for radiation treatment from December 14, 2012 through February 2, 2013 and had to move in to the Hope Lodge near the University of Iowa Hospitals and Clinics because it was the only location that accepted her Iowa Care insurance and she was unable to travel as frequently as her treatment required. (Claimant's Exhibits A and B) During her treatment her boyfriend moved to Wisconsin so she had to move to Wisconsin after her treatment was complete and she was released to work. On December 19, 2012 she told QPS trainer Jason Carberry she was quitting to move to Wisconsin and would work through January 5. Continued work was available. Hornberg sent her an e-mail on January 2, 2013 that he heard she was moving to Wisconsin and referred her to the Sheboygan, Wisconsin office (about a half hour drive from her home Cascade, Wisconsin) with a good referral. She acknowledged receipt. She did not contact either the Grinnell, Iowa or Wisconsin office after she was medically released to work in mid-January 2013.

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 Code section 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

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 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

While claimant's leaving the employment was certainly based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The March 12, 2013 (reference 02) 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/pjs