

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARVIN O PLATT
Claimant

APPEAL NO. 07A-UI-01541-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VICTORYSTORE.COM
Employer

OC: 01/14/07 R: 12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Marvin O. Platt (claimant) appealed a representative's February 5, 2007 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Victorystore.com (employer) would not be charged because the claimant had voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 27, 2007. The claimant participated in the hearing. Lisa Hultgren appeared on the employer's behalf. 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:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 4, 2003. Prior to his employment separation, the claimant worked full-time as the employer's screen print manager.

After the claimant knew his wife's employer was transferring her to Kansas, the claimant submitted his resignation to the employer on December 2, 2006. The claimant gave the employer a month's notice and the claimant worked until the effective date of his resignation, January 2, 2007. The only reason the claimant quit was because his wife was required to move to Kansas for her job.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant quit when he submitted his resignation on December 2, 2006. When a claimant quits,

he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant quits without good cause when he quits to accompany his spouse to a new locality. 871 IAC 24.25(10). The claimant established compelling personal reasons for quitting. These reasons do not, however, qualify him to receive unemployment insurance benefits. As of January 14, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's February 5, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 14, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css