

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EDWIN VANEGAS VILCHEZ**  
Claimant

**APPEAL NO: 11A-UI-13883-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALL IN A DAY LLC**  
Employer

**OC: 08/28/11**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Edwin Vanegas Vilchez (claimant) appealed an unemployment insurance decision dated October 18, 2011, reference 04, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with All In A Day, LLC (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 November 18, 2011. The claimant participated in the hearing. Ike Rocha interpreted on behalf of the claimant. The employer participated through Kayla Neuhalfen, Human Resources Representative and Angela Kamstra, Employee Service Representative. 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 him 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 June 28, 2011 as a temporary general laborer. He lives in Storm Lake, Iowa but was staying in Sheldon, Iowa while he was going through an alcohol rehabilitation program. The employer's Sheldon office assigned the claimant to Land O Lakes feed plant in an ongoing assignment. The claimant quit to move back to Storm Lake. He gave the employer a two-week notice and his last day of employment was August 31, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

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 has the burden of proving that the voluntary quit was for a good reason that would not disqualify him. Iowa Code § 96.6-2. The evidence demonstrates he voluntarily quit on August 31, 2011 because he moved home to Storm Lake, Iowa. While the claimant may have had compelling personal reasons to voluntarily quit his employment, these reasons do not constitute good cause attributable to the employer. Benefits are therefore denied.

**DECISION:**

The unemployment insurance decision dated October 18, 2011, reference 04, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs