

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PETER RUDENKO
Claimant

HY VEE INC
Employer

APPEAL 22A-UI-03119-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/19/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On January 13, 2022, the claimant filed an appeal from the January 5, 2022, (reference 01) unemployment insurance decision that denied benefits based on a representative's determination that the claimant voluntarily quit his employment on December 7, 2021. The parties were properly notified about the hearing. A telephone hearing was held on March 1, 2022. Claimant, Peter Rudenko, participated and testified. Employer participated through hearing representative Frankie Patterson, and witness Layne Logue, Human Resources Lead Payroll. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant quit the employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on January 13, 2021. Claimant last worked as a full-time truck driver. Claimant was separated from employment on December 7, 2021, when voluntarily quit his employment to relocate to South Carolina.

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 Admin. Code r. 871-24.25 provides, in pertinent part:

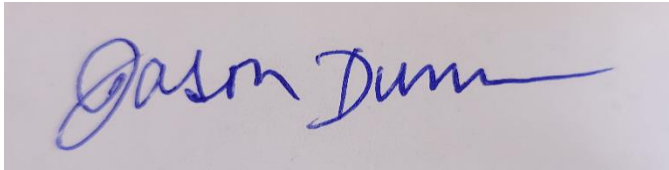
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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 voluntarily quit his employment in order to relocate to South Carolina. Benefits are denied.

DECISION:

The January 5, 2022, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

March 21, 2022
Decision Dated and Mailed

jd/mh