

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHIQUITA L KIGHT
Claimant

APPEAL NO. 11A-UI-09839-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HILLS AND DALES CHILD DEVELOPMENT
Employer

**OC: 06/19/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Chiquita L. Kight filed a timely appeal from an unemployment insurance decision dated July 18, 2011, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held August 18, 2011, with Ms. Kight participating. Human Resource Manager Carol Boge participated for the employer, Hills and Dales Child Development. Employer Exhibit One was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Chiquita L. Kight was employed as a personal assistant by Hills and Dales Child Development from January 21, 2009, until she resigned effective December 18, 2010. She last worked part-time hours.

Ms. Kight notified the employer in writing on November 22, 2010, that she was resigning to move home to Chicago, Illinois. Ms. Kight lived in the Dubuque, Iowa, vicinity when working for this employer. Ms. Kight was experiencing a difficult pregnancy and moved home to receive assistance from her family. Her job was not in jeopardy. She has not returned to the employer to offer her services since her child was born.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. An individual who resigns in order to move to a new locality leaves employment without good cause attributable to the employer according to 871 IAC 24.25(2).

Under some circumstances, an individual may receive unemployment insurance benefits if the individual has resigned because of a medical condition. See Iowa Code section 96.5-1-d. In order for an individual to receive benefits under such circumstances, the individual must first return to the employer with an unrestricted release to resume working. If the individual's regular work or comparable suitable work is not available, the individual may at that time receive unemployment insurance benefits.

The evidence in this record persuades the administrative law judge that the claimant left work under circumstances contemplated by the rule and statute cited above. Benefits are withheld.

DECISION:

The unemployment insurance decision dated July 18, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount or meets the requalification requirements of Iowa Code section 96.5-1-d, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw