

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PENNY P HARRISON
Claimant

APPEAL NO: 10A-UI-01819-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MENARD INC
Employer

OC: 11/29/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(2) – Move to New Locality
871 IAC 24.25(20) – Compelling Personal Reasons

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 28, 2010, reference 02, that held she voluntarily quit without good cause attributable to her employer on August 15, 2009, and benefits are denied. A telephone hearing was held on March 12, 2010. The claimant participated. Bob Rankin, Assistant GM, and Mike Whittaker, Department Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time laborer from January 30, 2009 to August 15. The claimant knew it was employer policy to call-in an absence or report to work each day. The claimant called the employer on Sunday, August 16 and left a message that she was moving to Arkansas. Later, the claimant spoke with an employer representative to report she was leaving employment to move to Arkansas, and she requested that her supervisor(s) be notified.

The claimant experienced a personal issue with a boyfriend who damaged her car on July 25th, and she filed a criminal mischief charge against him. She moved to Arkansas to be with her family and get away from him. Her boyfriend followed her to Arkansas, and she moved back to Iowa about October 1st. The claimant re-applied for her job, but no work was available.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(2), (20) 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.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to her move to Arkansas with a compelling personal reason, but failed to return to work within ten working days.

The claimant offered good personal reasons for leaving work and moving to Arkansas, but they are not good causes attributable to the employer.

DECISION:

The department decision dated January 26, 2010, reference 02 is affirmed. The claimant voluntarily quit without good cause attributable to her employer on August 15, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs