

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SANDRA M GORDON
711 HIGH ST #3
CLINTON WI 53525

UNITED STATES
CELLULAR CORPORATION
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-03277-CT
OC: 02/22/04 R: 12
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Sandra Gordon filed an appeal from a representative's decision dated March 16, 2004, reference 01, which denied benefits based on her separation from United States Cellular Corporation (USCC). After due notice was issued, a hearing was held by telephone on April 15, 2004. Ms. Gordon participated personally. The employer responded to the notice of hearing but the designated witness was not available at the number provided at the scheduled time of the hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Gordon was employed by USCC from February 17, 1997 until November 28, 2003. She was last employed full time as technical support. She quit the employment to relocate to Wisconsin after her husband accepted employment there. Her husband was not employed by USCC. Ms. Gordon was satisfied with her employment and would not have quit but for her husband's relocation.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Gordon was separated from employment for any disqualifying reason. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code Section 96.5(1). Ms. Gordon had the burden of proving that her quit was for good cause attributable to the employer. Iowa Code Section 96.6(2). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Ms. Gordon quit to relocate because her husband was going to be working in Wisconsin. This was not a matter over which USCC had control. The administrative law judge appreciates that it was necessary for Ms. Gordon to move because of her husband's job. Some states have chosen to allow job insurance benefits in such situations. However, Iowa has chosen not to. Under Iowa law, an individual who leaves employment to accompany a spouse to a new locality is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(10). Inasmuch as the move was the sole reason for the quit, benefits must be denied.

DECISION:

The representative's decision dated March 16, 2004, reference 01, is hereby affirmed. Ms. Gordon voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/b