

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MISTY L ERICKSON
Claimant

APPEAL NO. 07O-UI-08661-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE RESTAURANT COMPANY
c/o TALX UCM SERVICES
PERKINS RESTAURANT & BAKERY
Employer

OC: 06/24/07 R: 03
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Misty Erickson filed an appeal from a representative's decision dated July 18, 2007, reference 01, which denied benefits based upon her separation from Perkins Restaurant & Bakery. After due notice was issued a telephone hearing was held on September 25, 2007. Ms. Erickson participated personally. The employer participated by Greg Halderman, General Manager.

ISSUE:

At issue in this matter is whether Ms. Erickson left her employment for reasons that were attributable to her employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from April 2006 until May 31, 2007 when she voluntarily quit employment for personal reasons. Ms. Erickson worked as a part-time waitress and was paid by the hour plus tips. Her immediate supervisor was Jean Halderman.

Ms. Erickson voluntarily quit her employment for personal reasons indicating that she desired to move home. Work continued to be available to the claimant at the time of her leaving.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the claimant voluntarily left employment for reasons that were not attributable to the employer. The claimant left employment due to pregnancy and her desire to move home to a different geographic area. Work continued to be available to the claimant at the time of her leaving.

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.

For the reasons stated herein, the administrative law judge finds that the claimant's leaving was not attributable to the employer. Benefits are withheld.

DECISION:

The representative's decision dated July 18, 2007, reference 01, is affirmed. The claimant left for reasons not attributable to the employer. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs