

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BHATT, HEMANT
Claimant

APPEAL NO. 12A-UI-10078-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IBM CORPORATION
Employer

OC: 07/22/12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Hemant Bhatt filed a timely appeal from the August 9, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on September 12, 2012. Mr. Bhatt participated. The employer did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate, though the employer was aware of the hearing. Exhibit A was received into evidence.

ISSUE:

Whether Mr. Bhatt's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Hemant Bhatt resides in Aurora, Illinois with his wife and children. Mr. Bhatt was employed by IBM Corporation on a full-time basis in Dubuque from June 2011 until July 6, 2012, when the claimant voluntarily quit the employment. Prior to becoming an employee of IBM, Mr. Bhatt had worked for IBM in Dubuque on a contract basis. Mr. Bhatt's home throughout the employment was in Aurora, though Mr. Bhatt maintained an apartment across the street from the IBM facility in Dubuque. Claimant would commute from Aurora to Dubuque on Sunday and would return to Aurora on Friday to spend the weekend with his family. Mr. Bhatt voluntarily quit the employment because the work was repetitive in nature and he desired a different Information Technology (IT) position that would allow more creativity. Mr. Bhatt had not accepted another position at the time he separated from IBM. At the time Mr. Bhatt separated from IBM, the employer continued to have the same work available for Mr. Bhatt.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record indicates that Mr. Bhatt voluntarily quit the employment for personal reasons and not for good cause attributable to the employment. While Mr. Bhatt's desire for less repetitive and more creative work is understandable, this did not constitute good cause attributable to the employer for his voluntary quit. To the extent that Mr. Bhatt's desire to spend more time with his family in Aurora was a secondary consideration in the quit, it too was understandable, but did not constitute good cause attributable to the employer for the quit.

Because Mr. Bhatt's voluntarily quit was without good cause attributable to the employer, Mr. Bhatt is disqualified for unemployment insurance benefits. Mr. Bhatt remains disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he must then meet all other eligibility requirements. The employer's account shall not be charged.

DECISION:

The Agency representatives August 9, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css