

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ARLENE STAPLETON**  
Claimant

**ABM HEALTHCARE SUPPORT SERVICES**  
Employer

**APPEAL 22R-UI-01929-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/09/21  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment  
Iowa Admin. Code r. 871-24.25(2) – Quit to Move

**STATEMENT OF THE CASE:**

On August 4, 2021, claimant Arlene Stapleton filed an appeal from the July 28, 2021 (reference 01) unemployment insurance decision that denied benefits after a separation from employment. The parties were properly notified of an initial hearing scheduled at 3:00 p.m. on Friday, February 11, 2022. The claimant, Arlene Stapleton, registered for the hearing late and the hearing did not occur. Following the administrative law judge issuing a default decision, the claimant appealed to the Employment Appeal Board (“EAB”). On January 11, 2022, the EAB remanded this matter for a new hearing.

The parties were properly notified of the hearing. A telephonic hearing was held at 9:00 a.m. on Friday, February 11, 2022. The claimant, Arlene Stapleton, participated. The employer, ABM Healthcare Support Services, participated through hearing representative Frankie Patterson. No exhibits were offered or admitted.

**ISSUE:**

Did the claimant voluntarily quit her employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for ABM Healthcare Support Services in April 2017 or 2018. She worked as a full-time housekeeper at the hospital. Claimant’s employment ended on April 9, 2021, when she quit to move.

Claimant was living with her daughter while working for the employer. In February 2021, her daughter announced that claimant needed to move out of the home. Claimant tried to find an apartment in Ottumwa, but she was unable to secure housing. Therefore, on April 9, claimant had to relocate to Chicago. She called the employer four or five days after she moved to let them know she had relocated due to her housing predicament. The employer was happy with claimant’s work performance, and continued work was available had claimant not ended her employment.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits must be withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25(2) 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:

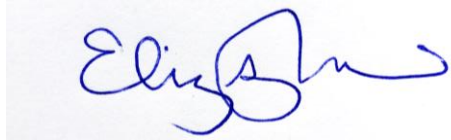
(2) The claimant moved to a different locality.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, claimant left her employment so she could relocate out of state where she had housing. This is certainly a compelling personal reason. However, it is not attributable to her employer, and the employer cannot fairly be charged for unemployment insurance benefits in this circumstance.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Here, claimant stopped reporting to work effective April 9, 2021. She then conformed her intention to terminate her employment when she called the employer to notify them she had moved to Chicago. The administrative law judge finds claimant quit her employment without good cause attributable to the employer, and benefits must be denied.

**DECISION:**

The July 28, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant separated from employment without 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 benefit amount, provided she is otherwise eligible.



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

March 1, 2022  
Decision Dated and Mailed

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