

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANE R GOODWIN
Claimant

APPEAL NO. 07A-UI-09158-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QWEST CORPORATION
Employer

**OC: 08/12/07 R: 04
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jane Goodwin filed an appeal from a representative's decision dated September 19, 2007, reference 02, which denied benefits based on her separation from Qwest Corporation. After due notice was issued, a hearing was held by telephone on October 15, 2007. Ms. Goodwin participated personally. The employer participated by Brad Gregg, Telesales Manager, and was represented by Terry Newman of Barnett Associates, Inc.

ISSUE:

At issue in this matter is whether Ms. Goodwin was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Goodwin was employed by Qwest Corporation from January 5, 2004 until March 1, 2007. She was last employed full time as a customer service representative. She voluntarily quit the employment to relocate to Davenport, Iowa, to be closer to her daughter's doctor. There was no other reason for the decision to quit. Continued work would have been available to Ms. Goodwin if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. In the case at hand, Ms. Goodwin quit to move out of town to be nearer to her daughter's doctor. This was not a matter within the control of her employer.

An individual who leaves employment to move to a different locality is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(2). The same is true if an individual leaves employment because of serious family needs or responsibilities. See 871 IAC

24.25(23). The record as a whole does not establish any good cause attributable to Qwest Corporation for Ms. Goodwin's separation. Accordingly, benefits are denied.

Ms. Goodwin has had other work since leaving Qwest Corporation. She should provide proof of her subsequent earnings to her local Workforce Development office so that a determination can be made as to whether she has requalified for benefits after the disqualifying separation from Qwest Corporation.

DECISION:

The representative's decision dated September 19, 2007, reference 02, is hereby affirmed. Ms. Goodwin voluntarily quit her employment with Qwest Corporation 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.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw