

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TARA V ORTIZ**

Claimant

**APPEAL NO: 14A-UI-02549-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LAKESIDE LUTHERAN HOME**

Employer

**OC: 02/02/14**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(37) – Resignation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated February 21, 2014, reference 01, that held she voluntarily quit without good cause attributable to her employer on February 21, 2014, and benefits are denied. A telephone hearing was held on March 31, 2014. The claimant participated. Susan Juilfs, Administrator, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on December 7, 2012 and last worked for the employer as a full-time C.N.A. on January 13, 2014. The claimant gave two-week notice she was quitting employment to move to New Jersey. The employer accepted the resignation and claimant worked her notice period to January 13. The claimant moved to be with her son for personal reasons.

**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.

871 IAC 24.25(37) 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:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to resignation for personal reasons effective January 13, 2014.

While claimant had good personal reasons for quitting employment, they are not with good cause attributable to the employer.

**DECISION:**

The department decision dated February 21, 2014, reference 01, is affirmed. The claimant voluntarily quit without good cause due to her resignation on January 13, 2014. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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