

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REGINA M BLANTON
Claimant

APPEAL NO: 14A-UI-00565-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 12/15/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(2) – Move to a New Locality

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 6, 2014, reference 01, that held she voluntarily quit employment without good cause on December 13, 2013, and benefits are denied. A telephone hearing was held on February 7, 2014. The claimant participated. Jodi Korleski, Staffing Consultant, participated for the employer. Claimant Exhibit A was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant worked for the employer from September 3, 2013 to December 13, 2013 on assignment at RR Donnelly near Charles City, Iowa. The claimant gave notice she was quitting to the employer on November 21, because she was moving. Claimant left on December 13 and the assignment was not completed. Continuing employment was available to the claimant.

Claimant quit to move closer (to Davenport) to Chicago where the Cook County Attorney's office was prosecuting Allen Jones for a felony sex crime against her daughter. Allen Jones is incarcerated and he is the father of claimant's daughter. Claimant has made trips to Chicago to help the prosecution and she anticipates further trips may be required. It is a six-hour trip from Charles City to Chicago while the distance from Davenport is much closer.

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(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.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on December 13, 2013 to move to a different locality.

While claimant has a good personal reason for quitting, it is not good cause attributable to the employer. The claimant did not offer she or her daughter are in fear of Allen Jones who is incarcerated. Absent a direct threat of violence against claimant and/or her daughter, there is no direct connection involving the decision to move other than to be closed to court proceedings.

DECISION:

The department decision dated January 6, 2014, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on December 13, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css