

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDRA HELMHOLTZ
Claimant

APPEAL NO: 14A-UI-00873-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MID PRAIRIE COMMUNITY SCHOOL DIST
Employer

OC: 12/29/13
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 17, 2014, reference 01, that held she voluntarily quit employment without good cause on January 2, 2014, and benefits are denied. A telephone hearing was held on February 14, 2014. The claimant participated. Cindy Steege, Business Manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with 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 worked for the employer as a part-time kitchen helper from September 3, 2009 to December 19, 2013. She gave a note to the employer on December 14 she would be resigning effective January 2, 2014 to move to Texas to live with her daughter. She had lost her home to mortgage foreclosure.

The claimant was paid for the holiday period by her twelve-month contract. She made January 2 the effective date as it was the of the holiday period. Continuing employment was available to the claimant.

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 effective January 2, 2014 to move to a different locality.

Claimant had a good personal reason for leaving employment, but it is not a good cause attributable to the employer.

DECISION:

The department decision dated January 17, 2014, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer effective on January 2, 2014. 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