

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIANNE M NORIEGA
Claimant

APPEAL NO. 07A-UI-09420-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOC SERVICES LLC
Employer

OC: 08/26/07 R: 01
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Julianne M. Noriega (claimant) appealed a representative's September 26, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of IOC Services LLC (employer) would not be charged because she voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 22, 2007. The claimant participated in the hearing. Sara Frank appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on April 3, 1995. She worked as a full-time valet driver at the employer's Bettendorf, Iowa, location. The claimant's husband was working in Wisconsin. The claimant and her husband decided it was too expensive for him to continue to commute during the weekends back to Iowa and live in a motel during the week. The claimant decided to move to Wisconsin to be with her husband.

The claimant gave the employer a two-week notice that she was quitting. If the claimant had not quit to move to Wisconsin, her job was not in jeopardy and she could have continued to work for the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a

claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits for reasons that do not qualify her to receive benefits if she leaves employment to move to another locality. 871 IAC 24.25 (2). The claimant established compelling personal reasons for quitting. Her reasons for quitting do not, however, qualify her to receive unemployment insurance benefits. As of August 26, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 26, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for compelling personal reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 26, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css