

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER A WALLINGA
Claimant

APPEAL NO. 08A-UI-08095-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEYS MARKETING COMPANY
Employer

OC: 07/06/08 R: 01
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Jennifer A. Wallinga filed a timely appeal from an unemployment insurance decision dated September 4, 2008, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held September 24, 2008 with Ms. Wallinga participating. Store Manager Vicky Ruden participated for the employer, Casey's Marketing Company.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jennifer A. Wallinga was employed part-time as a donut maker by Casey's Marketing Company from December 2007 until she resigned on June 22, 2008. Ms. Wallinga lived and worked in Marcus, Iowa while she was with the company. She moved to Paullina and hoped to be hired for a similar position at the Casey's store in that community. Vicky Ruden was her manager at the Marcus store. Ms. Ruden said that she would put in a good word for Ms. Wallinga with Daniel McHenry, the manager in Paullina. She had no control, however, over Mr. McHenry's selection at his store. Ms. Wallinga filed a claim for unemployment insurance benefits in July 2008 when she did not get the position at the store in Paullina.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. The claimant's testimony in the hearing was inconsistent. At first she testified that Ms. Ruden had promised her that she would be able to "transfer" to the store in Paullina. Later, however, she changed the testimony to say that Mr. McHenry had promised that he would hire her. She did not call Mr. McHenry as a witness. The administrative law judge attempted to reach Mr. McHenry during the hearing but he was not at the Paullina store. The claimant's testimony as to Mr. McHenry's statements was left unverified. Ms. Ruden contradicted Ms. Wallinga's testimony. She denied that she had ever promised Ms. Wallinga that she would be hired at Paullina. In fact, she testified that she had told Ms. Wallinga that she had no authority over Mr. McHenry or over the Marcus store. In short, the evidence does not persuade the administrative law judge that Ms. Wallinga resigned at Marcus with anything more than a hope that she would be hired at the Paullina store. An individual who resigns to move to a different locality or to seek unsuccessfully other employment does not leave work with good cause attributable to the employer. See 871 IAC 24.25(2) and (3). Benefits must be withheld.

DECISION:

The unemployment insurance decision dated September 4, 2008, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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