

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTIN VILLALOBOS

Claimant

APPEAL NO. 11A-UI-12914-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

PACKERS SANITATION SERVICES INC

Employer

OC: 08/28/11

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 September 29, 2011, reference 01, that held he voluntarily quit employment without good cause on February 12, 2011, and which denied benefits. A telephone hearing was scheduled for October 25, 2011. The claimant and the employer did not participate.

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 as a full-time laborer from August 15, 2010 to February 12, 2011. He quit his job to go to California. He was a no-call, no-show to work on February 10, 11, and 12. Continuing employment was available to the claimant.

The claimant and employer failed to respond to the telephone messages when called for the hearing.

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 February 12, 2011, to move to a different locality.

The only evidence in this matter is the department recorded fact-finding that claimant quit his job to relocate and that continuing employment was available when he left. The employer protested claimant was a no-call, no-show for three days.

DECISION:

The department decision dated September 29, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on February 12, 2011. Benefits are denied until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw