

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

KAY M NILSON
8124 S 101ST ST
LAVISTA NE 68128

JOHN MORRELL & COMPANY
C/o STEVE JOYCE
PO BOX 2430
SIOUX CITY IA 51106

Appeal Number: 04A-UI-08879-DWT
OC: 07/18/04 R: 12
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Kay M. Nilson (claimant) appealed a representative's August 10, 2004 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of John Morrell & Company (employer) would not be charged because the claimant 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 September 9, 2004. The claimant participated in the hearing. Steve Joyce, the director of human resources, 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 in 1984. The claimant's last official day of employment was June 5, 2004. The claimant worked as a full-time employee.

The claimant had some safety concerns, but did not resign for these reasons. Instead, the claimant decided to resign to move to the Omaha area to be closer to her daughter. If the claimant had not decided to move, she would have continued to work for the employer. The employer had continuing work for her.

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 is qualified to receive unemployment insurance benefits. Iowa Code §96.6-2.

The law presumes a claimant quits without good cause when she quits to move to a different locality. 871 IAC 24.25(2). The facts establish the claimant resigned because she moved to another locality. The claimant established compelling personal reasons for quitting. Her reasons do not, however, qualify her to receive unemployment insurance benefits. As of July 18, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 10, 2004 decision (reference 02) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 18, 2004. 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.

dlw/b