

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN J ALMAN
Claimant

APPEAL NO: 14A-UI-07210-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA HOME CARE LLC
Employer

OC: 06/22/14

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Susan J. Alman (claimant) appealed a representative's July 10, 2014 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Iowa Home Care, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 6, 2014. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, 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 for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on or about April 11, 2008. She worked full time as a homemaker, home health aide, and occasional trainer in the Marshalltown Iowa area. Her last day of work was June 11, 2014. She voluntarily quit as of that date, having given about a month verbal notice and about a two-week written notice.

The claimant's husband had been battling issues with methamphetamine addiction, jeopardizing their marriage. He determined that in order to help him deal with his issue he needed to get away from the Marshalltown and Iowa where he had too easy access and availability of methamphetamine. He had some family in New Mexico and determined to relocate to that area and where he would have less easy access to methamphetamine.

The claimant determined that in order to preserve her marriage and to assist her husband in battling his addiction, she needed to leave her employment with the employer and accompany her husband to New Mexico. As a result, even though she enjoyed her job and knew her job

was not in jeopardy, she then gave her notice, quit her employment, and moved to New Mexico. She does not currently have any intention to return to Iowa or her employment with the employer.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving to relocate to be with a spouse is a good personal reason, but not one that is attributable to the employer so that she would not be disqualified. Rule 871 IAC 24.25(2), (10). Leaving for a serious family responsibility is also a good personal reason not attributable to the employer, particularly not where the period of time away from the employer exceeds ten days and there has been no attempt to return to work, or even a plan to seek to return to work with the employer. Rules 871 IAC 24.25(20), (23); 871 IAC 24.26(8). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's July 10, 2014 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of June 11, 2014, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css