

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSH C COCHERELL**  
Claimant

**APPEAL NO. 09A-UI-14728-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**“QUALITY TRAFFIC CONTROL INC  
“QUALITY TRAFFIC CONTROL**  
Employer

**OC: 12/28/08  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Josh Cocherell filed a timely appeal from a representative’s decision dated September 28, 2009, reference 02, which denied benefits based upon his separation from Quality Traffic Control, Inc. After due notice, a telephone hearing was scheduled for and held on October 28, 2009. The claimant participated personally. The employer participated by Shawn Goodno, Company Vice-President.

**ISSUE:**

The issue is whether the claimant voluntarily left work with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds: Josh Cocherell was employed by Quality Traffic Control from July 10, 2006 until August 28, 2009. Mr. Cocherell held the position of full-time branch manager and was paid by salary.

Mr. Cocherell’s employment with Quality Traffic Control ended on Friday, August 28, 2009. The claimant had previously indicated in a telephone conversation on June 28, 2009 that his wife had accepted employment in Keosauqua, Iowa and that “he would be moving.” The parties at that time discussed a final day and the approximate date of September 1, 2009 was set and agreed upon by the parties. Subsequently, there were some conversations about the possibility of the claimant remaining as an employee, however, the date that had been set for approximately September 1, 2009 was not changed. On August 24, 2009, Mr. Cocherell was contacted by company management and informed that the company would consider Friday, August 28, 2009 as the claimant’s final working day. Mr. Cocherell did not disagree.

It is the claimant’s position that because there were generalized conversations about the possibility of continuing employment after September 1, 2009, that the employer’s decision to make August 28, 2009 his final day should be considered a discharge from employment and he should be awarded unemployment insurance benefits.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2).

The evidence in this case establishes that Mr. Cocherell was the moving party in initiating the separation from employment. Mr. Cocherell contacted his employer on June 28, 2009 to inform them that his wife had taken employment in Keosauqua, Iowa and that the family would be moving. The parties agreed that September 1, 2009 would be the effective date of Mr. Cocherell's leaving his employment with Quality Traffic Control and the claimant did not disagree. On August 24, 2009, company management contacted Mr. Cocherell indicating that per the previous conversations and agreement that Friday, August 28, 2009 would be considered his last day of employment, the end day of that work week. Once again, Mr. Cocherell did not disagree. Although there may have been conversations in the interim regarding the possibility of extending Mr. Cocherell's employment with the company, the evidence in the record does not show that any alteration of the agreed upon end date had been established. The administrative law judge, therefore, concludes that the employer's setting of Friday, August 28, 2009 to be the effective date of the claimant's resignation was reasonable as it was the end of the pay period and within the time frame agreed upon by the parties for Mr. Cocherell's employment to end.

The claimant's decision to quit to move to another area was based upon personal reasons which is not a good cause reason attributable to the employer for leaving. Therefore, benefits are denied.

**DECISION:**

The representative's decision dated September 28, 2009, reference 02, is affirmed. The claimant is disqualified from receiving benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided that he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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