

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JILL MATTHEWS

Claimant

APPEAL NO. 10A-UI-15420-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NEWMAN'S BAKERY LLC

Employer

OC: 10/10/10

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jill Matthews (claimant) appealed an unemployment insurance decision dated November 4, 2010, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Newman's Bakery, LLC (employer) to move to another locality. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 28, 2010. The claimant participated in the hearing. The employer participated through Attorney Larry Stoller, Manager of the LLC. 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:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired in June 2008 as a part-time sales clerk and became a full-time manager in 2009. She gave a notice to quit on April 27, 2010 with an effective date of May 8, 2010. Her written resignation stated that she was quitting because she was moving with her boyfriend to Missouri, and she did, in fact, move to Nixa, Missouri.

During the hearing, the claimant provided numerous reasons as to why she quit her employment. She said she was unsure of whether she would have a job because the employer was trying to turn the restaurant into a buffet. The claimant said the employer was a wine and specialty store, but the business also included a hotel. A new manager for the hotel was brought in and the claimant was still the manager of the retail store, but she claimed she was replaced by the new manager. She was unable to provide an answer as to why she never mentioned any of these other reasons, as to why she was quitting, in her resignation letter.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The evidence demonstrates the claimant voluntarily quit on May 8, 2010. The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code § 96.6-2.

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 § 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 § 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 voluntarily quit because she moved to Missouri with her boyfriend. After being denied unemployment insurance benefits, she now contends she quit for a variety of reasons attributable to the employment itself, but her resignation letter provides the best evidence as to why she quit her employment. While the claimant may have had compelling personal reasons to voluntarily quit her employment, these reasons do not constitute good cause attributable to the employer. Benefits are therefore denied.

DECISION:

The unemployment insurance decision dated November 4, 2010, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw