

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAMUEL NINO
Claimant

APPEAL NO. 07A-UI-04920-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 03-04-07 R: 12
Claimant: Respondent (2)

871 IAC 23.43(9) – Combined Wage Claim/Relief of Charges

STATEMENT OF THE CASE:

The employer filed a timely appeal from the May 10, 2007, reference 01, decision that determined the employer's account could not be relieved of charges. After due notice was issued, a hearing was held on May 31, 2007. The claimant did participate. The employer did participate through Sarah Fiedler, Administrative Assistant.

ISSUE:

Can the employer be relieved of charges on this combined wages claim?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: The claimant was last assigned to work for Syngenta Seeds as a production worker beginning on June 5, 2006 through November 10, 2006, when the claimant completed the assignment. The claimant told the employer, Team Staffing Solutions Inc., that he was moving out of state. The claimant did not tell the employer that he wanted any additional work, only that he was moving to Texas. The claimant moved to Texas the following week in November 18, 2006.

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). While claimant's decision to quit to move to another area was based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving. Benefits must be denied.

For the reasons that follow, the administrative law judge concludes that the employer's account may be relieved of charges.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

The employer has established that the claimant's separation was disqualifying and no benefits would be paid under an Iowa claim. Therefore, the employer's account may be relieved of charges under the provisions of the above-stated Administrative Code section.

DECISION:

The May 10, 2007, reference 01, decision is reversed. The employer's account is relieved of charges.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css