

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD K STICE
Claimant

APPEAL NO. 09A-UI-01692-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LIEBOVICH BROS INC
LIEBOVICH STEEL & ALUMINUM
Employer

Original Claim: 01-04-09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 30, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on March 20, 2009. The claimant did participate along with his witness, Roberta Stice, his wife. The employer did participate through Todd Gustafson, Operations Manager.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a parts cleaner, full-time, beginning September 5, 2006 through August 1, 2008, when he voluntarily quit. The claimant quit because he did not believe he was making enough money to afford to live in the area of the state where the employer was located. The employer did not mislead the claimant as to his wages. The claimant quit to move to Keokuk because he believed it would be cheaper to live there. When he was hired, the claimant signed off on a form indicating that he knew that his wages would be \$9.00 per hour. When the claimant quit his job, he was being paid \$10.25 per hour.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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) and (13) provide:

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.

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant was not misled as to the wages when he was hired. The claimant was given pay raises throughout the course of his employment. The claimant's decision to quit his job to move to an area of the state he thought would be less expensive to live in may have been a good personal reason for quitting, but was not a good-cause reason attributable to the employer for leaving the employment. Benefits are denied.

DECISION:

The January 30, 2009, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw