

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

THERESA WEYENBERG
Claimant

MIDWEST BASEMENT SYSTEMS INC
Employer

APPEAL 19A-UI-08144-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/29/19
Claimant: Appellant (2)**

Iowa Code § 96.5(1)b – Voluntary Leaving/Military Spouse

STATEMENT OF THE CASE:

On October 18, 2019, Theresa Weyenberg (claimant) filed an appeal from the October 15, 2019, reference 01, unemployment insurance decision that found claimant was not eligible to receive unemployment insurance benefits because claimant voluntarily quit without good cause attributable to the employer.

A telephone hearing was held on November 6, 2019 at 9:00 a.m. The parties were properly notified of the hearing. The claimant participated personally. Midwest Basement Systems Inc. (employer) participated through Controller Jonathan Bishop. Claimant's Exhibit 1 was admitted.

ISSUE(S):

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

Did the claimant quit because the spouse was relocated by the military?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed full-time as an accountant beginning on January 3, 2017, and was separated from employment on September 27, 2019, when she voluntarily quit. Her quitting was caused by the relocation of her spouse by the military. See Exhibit 1, Request and Authorization for Permanent Change of Station – Military. Claimant's husband was in early July 2019 reassigned to Hill Air Force Base in Utah. Claimant's husband was to report to his new location no later than December 3, 2019. Claimant informed her direct supervisor, Mr. Bishop, in mid-July 2019 that she would be resigning effective September 27, 2019 due to her husband's relocation by the military. Claimant did resign on that date. Claimant has since relocated to Utah.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the October 15, 2019 (reference 01) unemployment insurance decision is reversed.

Iowa Code section 96.5(1)b provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

b. The individual's leaving was caused by the relocation of the individual's spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge finds the claimant voluntarily quit without good cause attributable to employer. However, claimant's leaving was caused by the relocation of claimant's spouse by the military.

DECISION:

The October 15, 2019 (reference 01) unemployment insurance decision is reversed. The claimant's leaving was caused by the relocation of claimant's spouse by the military. As such, she is not disqualified for benefits and the employer's account is not charged.

Andrew B. Duffelmeyer
Administrative Law Judge

Decision Dated and Mailed

abd/scn