

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROWAN R MOORE
Claimant

APPEAL NO: 13A-UI-00852-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PIZZA HUT OF MUSCATINE INC
Employer

OC: 12/02/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Rowan R. Moore (claimant) appealed a representative's January 16, 2013 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Pizza Hut of Muscatine, Inc. (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held at 1:00 p.m. on February 25, 2013. The claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. The employer responded to the hearing notice and indicated that Amy Staats would participate as the employer's representative. When the administrative law judge contacted the employer for the hearing, Ms. Staats agreed that the administrative law judge should make a determination based upon a review of the available information. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on April 30, 2012. He worked part time as a cook. His last day of work was September 23, 2012. He voluntarily quit as of that date, having given a two-week notice. The claimant's reason for quitting was that he wanted to move to Michigan to seek other employment and live with his girlfriend. He felt "cooped up in Iowa" and felt compelled to move to pursue better opportunities. Continued work had remained available to him with the employer had he not quit.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Quitting to move to another location or to seek other employment, where new employment had not already been secured prior to quitting, are not good causes for quitting that will allow for unemployment insurance benefit eligibility. 871 IAC 24.25. Benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is then otherwise eligible.

DECISION:

The representative's January 16, 2013 decision (reference 03) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of September 23, 2013, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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