

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVE HENNING

Claimant

APPEAL NO: 09A-UI-00360-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVENTURE LANDS OF AMERICA INC

Employer

**OC: 11/23/08 R: 02
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Steve Henning (claimant) appealed an unemployment insurance decision dated January 5, 2009, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Adventure Lands of America, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 26, 2009. The claimant participated in the hearing. The employer participated through Doug Cornwell, Director of Operations. 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 him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time maintenance employee from July 2007 through November 1, 2008. He was living at the employer's campground in a recreational vehicle wherein he received a reduced rental rate, but other than that, there was no connection between his living arrangements and his employment. The employer closed the campground on November 1, 2008. Continuing work was available but the claimant quit when the campground closed and moved to the warmer climate of North Carolina.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by when he did not call or return to work after November 1, 2008. His job was still available but he moved due to a change in his living arrangements and because he moved to North Carolina. The law presumes it is a quit without good cause attributable to the employer when an employee leaves work to move to a different locality. 871 IAC 24.25(2).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated January 5, 2009, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs