

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NEELA KAYASTHA
Claimant

APPEAL NO: 17A-UI-09403-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SIGNATURE COMMERCIAL SOLUTIONS LL
Employer

OC: 08/13/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving
871 IAC 24.25(2) – Voluntary Quit to Move
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 1, 2017, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 2, 2017. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Department's Exhibit D-1 is admitted into evidence.

ISSUE:

The issues are whether the claimant's appeal is timely and whether she voluntarily left her employment to move.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A disqualification decision was mailed to the claimant's last known address of record on September 1, 2017. The claimant was out of town and did not receive the decision until the evening of September 11, 2017. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by September 11, 2017. The appeal was not filed until September 12, 2017, which is after the date noticed on the disqualification decision. Under these circumstances, the administrative law judge finds the claimant's appeal is timely.

The claimant was employed as a full-time business system consultant II for Signature Commercial Solutions assigned to Wells Fargo from November 7, 2016 to June 30, 2017. She notified the employer she was voluntarily quitting to move to Texas because her daughter was going to school at the University of Texas Austin. The claimant's husband also accepted other employment in San Antonio. Continued work was available with this employer, had the claimant not voluntarily left her job.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.5-1 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.

Iowa Admin. Code r. 871-24.25(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 § 96.6(2). In order for benefits to be allowed, the reason for leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer.

While the claimant's decision to quit to move to another area was based upon good personal reasons, she has not demonstrated a good-cause reason attributable to the employer for her leaving. (Emphasis added). Therefore, benefits must be denied.

DECISION:

The September 1, 2017, reference 01, decision is affirmed. The claimant's appeal is timely. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn