

IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS SECTION  
1000 EAST GRAND—DES MOINES, IOWA 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

ELIZABETH M DURHAM  
9540 EASTSIDE RD  
PRIEST RIVER ID 83856-9537

HY-VEE INC  
c/o TALX – UCM SERVICES INC  
PO BOX 283  
ST LOUIS MO 63166-0283

TALX – UC EXPRESS  
3799 VILLAGE RUN DR  
DES MOINES IA 50317

Appeal Number: 06A-UI-06859-SWT  
OC: 06/04/06 R: 12  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 27, 2006, reference 02, that concluded the claimant had voluntarily quit employment without good cause. A telephone hearing was held on July 27, 2006. The claimant participated in the hearing. David Williams participated in the hearing on behalf of the employer with witnesses, Dan Kruse and Tanya Graff.

FINDINGS OF FACT:

The claimant worked for the employer as a deli clerk from December 10, 2005, to February 8, 2006. The claimant was off work on a medical leave until May 12, 2006, due to a non work-related medical condition. She did not return to work for the employer because she did

not believe she could go back to work because of her medical condition and she and her husband decided to move to Idaho after he retired from his job. The reason the claimant left employment was not due to any cause attributed to the employer.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 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) 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's relocation with her spouse is understandable, but this reason for quitting employment does not meet the definition of good cause attributable to the employer found in the unemployment insurance law.

The unemployment insurance law provides that individual is qualified to receive benefits if she: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that she needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available. Iowa Code section 96.5-1-d.

The claimant also left work due to medical reasons but the condition was not work-related and has not satisfied the conditions of Iowa Code section 96.5-1-d, which would allow her to receive benefits.

DECISION:

The unemployment insurance decision dated June 27, 2006, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/pjs