

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JILL C EGAN
Claimant

APPEAL NO: 06A-UI-08484-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WILLIAM PENN UNIVERSITY
Employer

**OC: 07/16/06 R: 12
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jill Egan (claimant) appealed a representative's August 16, 2006 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with William Penn University (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 11, 2006. The claimant participated personally. The employer participated by Bonnie Johnson, Chief Financial Officer.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer and, therefore, not eligible 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 hired on October 31, 2005, as a full-time assistant director of development and special events coordinator. On or about July 7, the claimant gave the employer written notice of her resignation because she was moving to Rhode Island. The claimant's last day of work was July 21, 2006. The claimant's spouse took a different job in Rhode Island and the two moved on July 24, 2006. Continued work was available had the claimant not resigned.

At the hearing the claimant testified that she resigned because she was not given increases in pay and duties the employer said she might receive. She also left because she shared responsibility with other family members to look after her ailing father.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer and is not eligible to receive unemployment insurance benefits.

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), (10), (13), (21) and (23) provide:

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.

(10) The claimant left employment to accompany the spouse to a new locality.

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

(21) The claimant left because of dissatisfaction with the work environment.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer that she was leaving and quit work. When an employee quits work because she is moving or for serious family needs, her leaving is without good cause attributable to the employer. Likewise, the leave is without good cause attributable to the employer if the employee leaves due to dissatisfaction with her work environment or her wages if she knew the rate of pay at the time of hire. The claimant left work because she was dissatisfied with her work environment and her rate of pay, even though she knew the rate at the time of hire. In addition she left due to serious family needs and she moved with her spouse to a new location. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's August 16, 2006 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/cs