

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS A GRAY

Claimant

APPEAL NO. 10A-UI-02001-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ONE TON WELDING INC

Employer

OC: 01/03/10

Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Douglas Gray filed a timely appeal from the January 28, 2010, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on March 22, 2010. Claimant participated. Dennis Peterson of Merit Resources represented the employer and presented testimony through Christine Kloewer. Exhibits One and A were received into evidence.

ISSUE:

Whether Mr. Gray's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Douglas Gray was employed by One Ton Welding, Inc., as a senior project manager from April 2009 until December 18, 2009, when he voluntarily quit. Mr. Gray resided in South Carolina at the time he accepted the employment. At the time Mr. Gray accepted the employment, he agreed to relocate to Iowa. Mr. Gray voluntarily quit the employment because he did not like to be away from his wife, who remained in South Carolina while Mr. Gray was working in Iowa.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record indicates that Mr. Gray voluntarily quit the employment for personal reasons and not for good cause attributable to the employer. Accordingly, Mr. Gray is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits paid to Mr. Gray.

DECISION:

The Agency representative's January 28, 2010, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs