

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENNIS ANDERSON
Claimant

APPEAL NO. 08A-UI-07107-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALNUT PIG
Employer

OC: 06/01/08 R: 12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Dennis Anderson (claimant) appealed a representative's July 31, 2008 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Walnut Pig (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 20, 2008. The claimant participated in the hearing. Paul Stinn appeared on the employer's behalf and presented testimony from one other witness, Darrell Begley. 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:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the prior owner of the employer's hog farrowing business on April 18, 2002. The employer purchased the business in August 2006, and the claimant continued to work in the business as a full time laborer. His last day of work was May 14, 2008.

The claimant had verbally advised his manager, Mr. Begley, in approximately March that his father-in-law in California was sick, that his wife was going to be going out to California to care for her father, and that they might be permanently moving out to California for her to continue to care for her father. In fact the claimant's wife did move out to California in the spring, and on or about May 1 the claimant confirmed to Mr. Begley that he was giving his final two-week notice as he was going to move out to California to be with his wife as she cared for her father.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause attributable to the employer.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Leaving employment in order to move to another locality to be with a spouse is not good cause attributable to the employer, even if it is for good personal or family reasons. 871 IAC 24.25(2), (10), (23). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's July 31, 2008 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of May 14, 2008, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css