

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARBARA WOLBERS**  
Claimant

**APPEAL NO: 10A-UI-14486-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RUFFALOCODY LLC**  
Employer

**OC: 09-12-10**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 13, 2010, 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 December 7, 2010. The claimant participated in the hearing. Kelly Henrich, Human Resources Generalist, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment to move.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time telecounselor for Ruffalocody from June 16, 2009 to August 30, 2010. The claimant and her husband separated and her husband stayed in their condominium and told the claimant to leave. Because the claimant had only lived in Cedar Rapids for a little more than a year she did not know anyone she could stay with so over the weekend of August 28, 2010, she notified her supervisor she had to quit her job so she could move to the Quad Cities to live with her mother because she had nowhere else to live. She is also blind which made it more difficult for her to look for a place to live in an unfamiliar city. The employer had continuing work available.

**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 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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). While the claimant's decision to quit to move to another area was based upon good personal reasons, and the administrative law judge is not unsympathetic to the claimant, it was not a good-cause reason attributable to the employer for her leaving. Therefore, benefits must be denied.

**DECISION:**

The October 13, 2010, reference 01, decision is affirmed. 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs