

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURA M BRAVERMAN
Claimant

APPEAL 21A-UI-10773-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEYS MARKETING COMPANY
Employer

OC: 04/05/20
Claimant: Appellant (2)

Iowa Code §96.5(2)a – Discharge for Misconduct
Iowa Code §96.5(1) – Voluntary Quit
Iowa Code § 17A.12(3) – Default Decision
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal on Default

STATEMENT OF THE CASE:

Laura M Braverman, the claimant/appellant, filed an appeal from the April 13, 2021, (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 2, 2021. Ms. Braverman participated and testified. The employer did not register for the hearing and did not participate. Official notice was taken of the administrative record.

ISSUE:

Did Ms. Braverman voluntarily quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Braverman began working for the employer in September 2020. She worked as a part-time cook. Her job ended on April 5, 2020.

Ms. Braverman's spouse is employed as an active duty military person. Her spouse was ordered to report to Texas in April 2020. Ms. Braverman gave the employer about a three week notice. She quit on April 5, 2020 and moved to Texas that month.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.5(1)b provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

(b) The individual's leaving was caused by the relocation of the individual's spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Ms. Braverman quit due to her spouse's relocation to Texas by the military. Benefits are allowed and the employer's account should not be charged.

DECISION:

The April 13, 2021, (reference 03) unemployment insurance decision denying benefits is reversed. Ms. Braverman's separation from employment was attributable to the employer. Benefits are allowed, provided she is otherwise eligible. The employer's account shall not be charged.



Daniel Zeno
Administrative Law Judge
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July 15, 2021
Decision Dated and Mailed

dz/kmj