

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA K POAGE
Claimant

APPEAL NO: 14A-UI-12015-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BOMGAARS SUPPLY INC
Employer

OC: 10/26/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 14, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit this employment for reasons that do not qualify her to receive benefits. The claimant participated at the December 10 hearing. Barb Bohlke, the benefits/payroll representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit this employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in September 2010. She worked as a full-time sales associate.

After the claimant's husband lived in Oregon last winter, the claimant and her spouse decided to move to Oregon. The claimant initially gave the employer notice she was going to resign in early 2014, but then changed her mind about moving.

After realizing the weather was milder in Oregon and her husband could do more things outside in Oregon during the winter than he could do in Iowa, the claimant and her husband again decided to move to Oregon. The claimant gave the employer a two-week notice. She worked until the effective date of her resignation, October 16, 2014. The claimant and her husband moved to Oregon.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant voluntarily quit when she gave the employer her two-week notice. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when leaves to move to another locality. 871 IAC 24.25(2). The law presumes a claimant has good cause to quit when she leaves employment upon the advice of a physician for the sole purpose of taking a family member to a place having a different climate and subsequently offers to return to work, but there is no position for her. 871 IAC 24.26(9).

The claimant did not move to another locality upon the advice of a physician. Therefore, 871 IAC 24.26(9) does not apply. The claimant and her husband moved to Oregon because the milder weather allowed the claimant's spouse to do activities outside. The milder weather was better for him. The claimant established personal reasons for quitting, but these reasons do not qualify her to receive benefits. As of October 26, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 14, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but these reasons do not qualify her to receive benefits. As of October 26, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs