

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

PRISCILLA JOHNSON
1828 CHESTNUT ST
ROCKFORD IL 61102-1924

LA LEASING INC
SEDONA STAFFING
612 VALLEY DR
MOLINE IL 61265

Appeal Number: 06A-UI-02163-JTT
OC: 01/08/06 R: 12
Claimant: Appellant (1R)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit of Part-time Employment

STATEMENT OF THE CASE:

Claimant Priscilla Johnson filed a timely appeal from the February 8, 2006, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on March 13, 2006. Claimant participated.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Priscilla Johnson was employed on a part-time basis by Sedona Staffing temporary employment agency until December 23, 2005, when she quit to move to a different locality. Ms. Johnson's last assignment was at the Telegraph Herald newspaper in Dubuque. On December 23, 2005, Ms. Johnson notified the employer that she would be leaving the area and no longer available

for work. Ms. Johnson moved from Dubuque to Rockford, Illinois. Ms. Johnson had a residential lease that was coming to an end and could have moved to a residence in Dubuque. However, Ms. Johnson had decided she no longer wished to reside in Iowa and desired to be closer to family in the Chicago area. Sedona Staffing continued to have employment available to Ms. Johnson.

Ms. Johnson had no other employment at the time she was employed was Sedona Staffing. Ms. Johnson is not currently employed and has not been employed since leaving Sedona Staffing.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Johnson's quit was for good cause attributable to the employer. It does not.

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 evidence in the record establishes that the quit was based on Ms. Johnson's desire to move to another locality. Accordingly, the administrative law judge concludes that the quit was not for good cause attributable to the employer. Ms. Johnson's separation from the employment with Sedona Staffing was a disqualifying event. Ms. Johnson is disqualified for benefits based on wage credits earned through the employment with Sedona Staffing until she has worked in and earned wages for insured work equal to 10 times her weekly benefit amount, provided she is otherwise eligible. Sedona Staffing's account will not be charged.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits, may receive reduced benefits based on the other base period wages. See 871 IAC 24.27. If Ms. Johnson is monetarily eligible for benefits and has wage credits from employers other than Sedona Staffing, she may be eligible for reduced benefits. This matter will be remanded to a Claims representative for determination of Ms. Johnson's

eligibility for reduced benefits based on wage credits earned from employers other than Sedona Staffing.

DECISION:

The Agency representative's decision dated February 8, 2006, reference 02, is affirmed. The claimant quit without good cause attributable to the employer. The employer's account will not be charged. The claimant is not eligible for benefits based on wage credits earned from this employer until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount, provided she is otherwise eligible. This matter is remanded to a Claims representative for determination of Ms. Johnson's eligibility for reduced benefits based on wage credits earned from other base period employment.

jt/kkf