

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHYLLIS E LEWIS
Claimant

APPEAL NO. 11A-UI-06314-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAST CASH OF AMERICA INC
Employer

**OC: 03/27/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Phyllis E. Lewis (claimant) appealed a representative's May 2, 2011 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Fast Cash of America, inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 8, 2011. The claimant participated in the hearing. Tammy Warren appeared on the employer's behalf. 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 employer on September 8, 2008. She worked full-time as a customer service representative in the employer's Davenport, Iowa store. Her last day of work was March 18, 2011. She voluntarily quit as of that date. She had submitted a written notice of resignation on February 8, 2011 advising the employer that March 18 would be her last day. Her reason for quitting was to move to the Chicago, Illinois, area to be with her 84-year-old grandmother to provide assistance in managing the grandmother's financial affairs. Continued work with the employer was available to the claimant had she not quit.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she 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 she 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 her. Iowa Code § 96.6-2. Quitting to move to another locality, even if due to serious family responsibilities, are not reasons attributable to the employer. 871 IAC 24.25(2), (20), (23). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's May 2, 2011 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of March 18, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw