

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NATALIE A WELLER
Claimant

APPEAL NO: 09A-UI-15879-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMMUNITY ACTION OF EASTERN IOWA
Employer

OC: 09/27/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(10) – Move With Spouse to a New Locality

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 15, 2009, reference 01, that held she voluntarily quit employment without good cause attributable to the employer on May 29, 2009, and benefits are denied. A telephone hearing was held on November 24, 2009. The claimant participated. Pam Damhorst, HR/Benefits Director, participated for the employer. Exhibit A was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant began work for the employer on January 8, 2007, and last worked for the employer as a full-time center supervisor/teacher on May 29, 2009. The claimant submitted a resignation letter to the employer on May 4 stating she was quitting employment on May 29, 2009. The employer accepted claimant's resignation. The claimant quit her job to move with her spouse to California. Continuing employment was available to the claimant.

REASONING AND CONCLUSIONS OF LAW:

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(10) 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:

(10) The claimant left employment to accompany the spouse to a new locality.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on May 29, 2009 to move with her spouse to a new locality.

While the claimant had a good personal reason for leaving employment, it is not one recognized as a good cause attributable to the employer.

DECISION:

The department decision dated October 15, 2009, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on May 29, 2009. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css