

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

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EDS RESOURCE MANAGEMENT CORP  
c/o TALX UC EXPRESS  
PO BOX 66730  
ST LOUIS 63166-6730

Appeal Number: 04A-UI-03489-DWT  
OC 02/22/04 R 12  
Claimant: Appellant (1)

**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, 4<sup>th</sup> 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Digna L. Romero deMontenegro (claimant) appealed a representative's March 17, 2004 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of EDS Resource Management Corporation (employer) would not be charged because the claimant voluntarily quit her employment without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 26, 2004. The claimant responded to the hearing notice but did not answer the phone. A message was left on the claimant's answering machine for the claimant to contact the Appeals Section immediately. The claimant did not contact the Appeals Section again on April 26. The interpreter was excused from the hearing. Greg Spear and Melinda Peterson appeared on the employer's behalf. Based on the administrative record 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 her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 18, 2000. The claimant informed the employer she was resigning. The claimant resigned because she and her husband decided to move to California because there would more be opportunities for their children and for them. The claimant's last day of work was February 13, 2004.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause. Iowa Code §96.5-2-a. The record indicates the claimant voluntarily quit her employment. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant has quit without good cause when she quits to move to a different locality. 871 IAC 24.25(2). The record establishes the claimant quit to move to California for compelling personal reasons. The reasons the claimant quit do not qualify her to receive unemployment insurance benefits. As of February 22, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representatives' March 17, 2004 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 22, 2004. 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.

dlw/b