

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE L HURST
Claimant

CENTRAL IOWA HOSPITAL CORP
Employer

APPEAL NO: 10A-UI-09323-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/30/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(37) – Resignation

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 22, 2010, reference 01, that held she voluntarily quit without good cause attributable to her employer on May 25, 2010, and benefits are denied. A telephone hearing was held on August 16, 2010. The claimant participated. Amanda Berger, HR/Business Partner, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a part-time food server from May 10, 2007 to May 25, 2010. The claimant gave two-week notice to the employer she was quitting to move to a new location, and the employer accepted her resignation.

The claimant had a domestic relations issue with a former boyfriend whom she shared an apartment. The claimant notified employer when he came to her workplace, and he left before he could be confronted. The claimant filed a criminal complaint and a court hearing was set for June 7. The claimant chose to relocate before the hearing.

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(37) 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:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to resignation for personal reasons on May 25, 2010.

The claimant's reason for quitting due to a domestic issue with a former boyfriend is not attributable to the employer.

DECISION:

The department decision dated June 22, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause due to her resignation on May 25, 2010. Benefits are denied until the claimant requalifies by working in and being 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