

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTHONY W SINGLETON**  
Claimant

**APPEAL NO. 09A-UI-08084-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMCAR LLC**  
Employer

**OC: 02/15/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 26, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 22, 2009. Claimant participated. Employer participated by Alice Bjergum, human resources manager. The record consists of the testimony of Anthony Singleton; the testimony of Alice Bjergum; and Employer's Exhibits One through Three.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant gave notice to his employer on March 18, 2009, that he would be terminating his employment effective April 1, 2009. The claimant did stop working for the employer and his last day of work was April 1, 2009. One of the reasons that the claimant quit his job was because he and his wife wanted to be closer to their grandchildren and moved back to Indiana. He was also unhappy that his hours had been reduced from 40 down to 32 hours per week.

**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(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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The claimant testified that his wife wanted to be closer to their grandchildren in Indiana. He and his wife put their home on the market as a prelude to moving to Indiana. The claimant's employer then reduced his hours from 40 to 32 hours per week and this reduction in hours solidified the decision to move. The claimant was not pressured by the employer to quit his job. The claimant gave notice to the employer and then stopped working for the employer on April 1, 2009.

The evidence has established that the claimant voluntarily quit his job without good cause attributable to the employer. The main reason that the claimant quit his job was a desire to move to Indiana for personal reasons. Although there may have been good personal reasons for leaving his job, these reasons are not attributable to the employer. Benefits are denied.

**DECISION:**

The decision of the representative dated May 26, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs