

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ASHLEY L REINSCH**  
Claimant

**APPEAL NO. 11A-UI-07558-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**OC: 05/01/11**  
**Claimant: Appellant (4)**

Section 96.5(1)(b) – Voluntary Quit to Follow Military Spouse

**STATEMENT OF THE CASE:**

Ashley Reinsch filed a timely appeal from the May 31, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 5, 2011. Ms. Reinsch participated. Shaun Lampel of Barnett Associates initially represented the employer, but left hearing after his witness, Chad Nickelson, was unavailable for the hearing. Mr. Lampel cited a Barnett Associates rule that prohibited him from participating in the hearing if the employer witness was not present. The administrative law judge advised Mr. Lampel prior to this departure that the early departure would be deemed a waiver of the right to participate in the hearing. The administrative law judge had made two attempts to reach witness Chad Nickelson for the hearing and twice left messages for Mr. Nickelson on his voicemail box after he failed to answer his phone.

**ISSUE:**

Whether Ms. Reinsch separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ashley Reinsch was employed by Wells Fargo Bank North America as a full-time collector from November 2010 until May 2, 2011, when she voluntarily quit to relocate to Kansas. At the time, Ms. Reinsch's husband was in active military service, had recently returned from a tour of duty in Afghanistan and was stationed at Fort Riley, in Kansas. Ms. Reinsch quit so that she could join her husband. On May 2, Ms. Reinsch told her immediate supervisor that she would be leaving in two weeks. Ms. Reinsch has signed a lease in Kansas for the period beginning May 1. The parties mutually agreed that Ms. Reinsch could immediately depart from the employment to join her husband and that the employer would deem her to have given proper notice. The employer at no time indicated to Ms. Reinsch that it was discharging Ms. Reinsch based on her notice that she intended to quit.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5(1)(b) provides as follows:

Causes for disqualification.

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. But the individual shall not be disqualified if the department finds that:

b. The individual's leaving was caused by the relocation of the individual's spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

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 evidence in the record indicates that Ms. Reinsch voluntarily quit, effective May 2, 2011, without good cause attributable to the employer. The employer's account will not be charged for benefits paid to Ms. Reinsch. Ms. Reinsch quit to join her husband at his military post in Kansas. Ms. Reinsch's quit falls within the reach of Iowa Code § 96.5(1)(b) and does not disqualify her for unemployment insurance benefits. Ms. Reinsch is eligible for benefits, provided she is otherwise eligible.

**DECISION:**

The Agency representatives May 31, 2011, reference 01, decision is modified as follows. The claimant voluntarily quit the employment without good cause attributable to the employer. The employer's account shall not be charged. The claimant quit to join her military spouse at his assigned post. The quit does not disqualify the claimant for benefits. The claimant is eligible for benefits, provided she is otherwise eligible.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs