

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALICIA M DAVIS LANE**  
Claimant

**APPEAL NO. 09A-UI-05085-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INC OF D M**  
Employer

**OC: 03/08/09**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Alicia Davis Lane filed a timely appeal from the March 26, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on April 28, 2009. Ms. Davis Lane participated. Danielle Stensrud, Recruiter, represented the employer. Exhibit A was received into evidence.

**ISSUES:**

Whether the claimant's quit was voluntary.

Whether the quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Alicia Davis Lane was employed by Manpower of Des Moines from April 23, 2008 until January 9, 2009. During that time, Ms. Davis Lane performed work in a full-time work assignment at MidAmerican Energy. On December 29, 2008, Ms. Davis Lane notified Manpower by e-mail that she needed to resign from the employment and move back to Georgia immediately. Ms. Davis Lane expressed her appreciation for the employment experience and indicated that her final day would be January 9, 2009. Manpower and MidAmerican continued to have work available for Ms. Davis Lane.

Ms. Davis Lane's resignation and separation from the employment was based on her need to comply with a Georgia Decree of Divorce that required her to live within 150 miles of her children's father. On November 5, 2008, a Georgia judge entered a Final Judgment and Decree of Divorce concerning Ms. Davis Lane and her husband. The Decree addressed custody of the couple's two minor children and indicated that the couple had agreed to joint physical custody of both children. As part of the Decree, the judge directed that, "Within 90 days or less from the date of the court order, both parents will move within 150 miles of each other to facilitate the ability of each parent to practically exercise the visitation schedule."

## **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.

Iowa Administrative Code rule 871 IAC 24.25 provides, in relevant part, as follows:

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 following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

24.25(2) The claimant moved to a different locality.

24.25(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

24.25(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.

The weight of the evidence establishes a voluntary quit without good cause attributable to the employer. The employer had done nothing to initiate the separation from the employment. The need to relocate to Georgia resulted from an agreement between Mr. Davis Lane and her husband, which agreement was approved and memorialized by the Final Judgment and Decree of Divorce entered on November 5, 2008. Ms. Davis Lane clearly had compelling personal reasons for leaving the employment. Ms. Davis Lane's compelling reasons for leaving the employment continue and she has not returned to the employment. Ms. Davis Lane submitted a written resignation that was accepted by the employer.

While the administrative law judge is sympathetic to Ms. Davis Lane's circumstances, the administrative law judge must conclude that Ms. Davis Lane voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Davis Lane is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Davis Lane.

**DECISION:**

The Agency representative's March 26, 2009, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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