

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLOTTE J OTTO**  
Claimant

**APPEAL NO. 07A-UI-04723-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**X-L SPECIALIZED TRAILERS INC**  
Employer

**OC: 04/08/07 R: 04  
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 30, 2007, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 24, 2007. Claimant participated. Employer participated by Dan French, Controller and Mary Strong, Human Resource Manager. Exhibit A was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 30, 2007. Claimant asked for vacation for April 1, 2007 through April 9, 2007. Employer denied that request. Claimant had compelling personal reasons to travel to Pennsylvania during the period in question. Claimant needed to inspect a house and sign important legal documents during the time off. Claimant was relocating to Pennsylvania. Claimant indicated May 25, 2007 would be her last day of work. Employer would not allow claimant to return to work after April 9, 2007.

Claimant wrote a good bye letter on March 30, 2007. Employer asserted that the letter was a resignation notwithstanding the fact that employer had already been interviewing for claimant's position.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of compelling personal reasons. Claimant had to go to Pennsylvania for compelling personal reasons. Claimant understood on March 30, 2007 that she had no job to come back to. Claimant wrote a good bye letter on her last day of work. This was not a resignation letter. Claimant resigned May 25, 2007 but employer discharged her before that

final date. Claimant returned before ten days elapsed. Employer would not allow claimant to return to work even though claimant was gone for compelling personal reasons for less than ten days. Since claimant was let go prior to May 25, 2007 she is qualified for benefits during the interim. Leaving for compelling personal reasons for less than ten days is acceptable. Quitting to move to another city is not good cause attributable to employer. Benefits shall be withheld May 25, 2007. Benefits allowed April 9, 2007 through May 24, 2007.

Iowa Code section 96.5-1-f 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. But the individual shall not be disqualified if the department finds that:

f. The individual left the employing unit for not to exceed ten working days, or such additional time as may be allowed by the individual's employer, for compelling personal reasons, if so found by the department, and prior to such leaving had informed the individual's employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist the individual returned to the individual's employer and offered the individual's services and the individual's regular or comparable work was not available, provided the individual is otherwise eligible; except that during the time the individual is away from the individual's work because of the continuance of such compelling personal reasons, the individual shall not be eligible for benefits.

871 IAC 24.25(2) and (38) provide:

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.

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

**DECISION:**

The decision of the representative dated April 30, 2007, reference 01, is modified. Unemployment insurance benefits shall be withheld effective May 25, 2007 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. Unemployment insurance benefits are allowed April 8, 2007 through May 24, 2007.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/css