

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA S GRANDON**  
Claimant

**APPEAL NO. 10A-UI-15083-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GEOFFERT FITNESS LLC**  
**ANYTIME FITNESS**  
Employer

**OC: 09/19/10**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated October 28, 2010, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 9, 2010. Claimant participated. Employer participated by Brandon Rutledge, Owner.

**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 September 3, 2010. Claimant was laid off due to the business sale to another person. Claimant was offered work by the new owner. The offer was similar to what she enjoyed with the prior owner with the exception of a five mile no compete covenant. The offer was made and rejected prior to claimant filing for unemployment.

**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 a business sale. This is good cause attributable to employer for the separation. But for the sale, claimant would have still been working. Benefits allowed.

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.

**DECISION:**

The decision of the representative dated October 28, 2010, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs