

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NATASHA M SMITH**  
Claimant

**APPEAL NO. 11A-UI-15446-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PETCO ANIMAL SUPPLIES INC**  
Employer

**OC: 10/30/11**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Natasha Smith, filed an appeal from a decision dated November 22, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 3, 2012. The claimant participated on her own behalf and with Carolyn Halley. The employer, Petco, participated by General Manager Lewis McCaslin.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Natasha Smith was employed by Petco from September 8, 2010 until October 14, 2011 as a full-time groomer. She submitted a written resignation and notice to General Manager Lewis McCaslin because she intended to move out of state to be with her mother and her daughter. That was the only reason for her resignation and continuing work was available to her had she not resigned.

**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.

The sole reason for the claimant's resignation was to move out of state to be with other family members. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of November 22, 2011, reference 01, is affirmed. Natasha Smith is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css