

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMBERLYN S CHARLES
Claimant

APPEAL NO. 17A-UI-11679-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA
Employer

OC: 10/22/17
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

Section 96.5-1-c - Voluntary Quit for Care of Family Member

STATEMENT OF THE CASE:

Timberlyn Charles (claimant) appealed a representative's November 8, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Wells Fargo Bank (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 4, 2017. The claimant participated personally. The employer was represented by Treve Lumsden, Hearings Representative, and participated by Aaron Rogers, Call Center Supervisor.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on February 22, 2016, as a full-time home equity specialist one. The claimant's mother suffered from an illness on or about July 31, 2017. The claimant notified the employer of the condition. As of July 31, 2017, the employer agreed to her absence to look for work near her mother's residence. The claimant moved to Crosby, Texas, where her mother lived, and cared for her mother.

At the end of September 2017, the claimant and her mother moved to Hinesville, Georgia, to be near the claimant's grandmother. The claimant had more family support in Georgia. The claimant continues to care for her three-year-old son and her mother, whose health is deteriorating. The claimant did not notify the employer that she was able to return to work. On October 13, 2017, the claimant told the employer she was quitting as of October 16, 2017. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1)c provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

Iowa Admin. Code r. 871-24.28(8) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(8) The claimant voluntarily left employment. However, there shall be no disqualification under section 96.5(1) if a decision on this same separation has been made on a prior claim by the employment appeal board and such decision has become final.

The claimant left work to take care of her mother who was ill. The claimant's mother has not sufficiently recovered and the claimant has not returned to and offered her services to the employer. The claimant has failed to meet the requirements of the statute and, therefore, is not eligible to receive unemployment insurance benefits.

DECISION:

The representative's November 8, 2017, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs