

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD L MATHER
Claimant

ALL CLEAN OF IOWA INC
Employer

APPEAL 20A-UI-01725-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/02/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On February 24, 2020, the claimant filed an appeal from the February 18, 2020, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on March 12, 2020. Claimant participated. Employer registered for the hearing, but chose not to participate. Employer is not protesting the claim.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on May 1, 2019. Claimant last worked as a part-time crew leader. Claimant was separated from employment on December 20, 2019, when he resigned.

Claimant resigned to care for his wife on a full-time basis. Claimant's wife has cancer and needs full-time care. Since resigning, claimant has not returned to employer to offer his services.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) 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.

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.

In this case, claimant resigned to care for an immediate family member and has not yet returned to offer his services to employer as his family member has not sufficiently recovered. While claimant had very good personal reasons to resign, he has not established he resigned for a good cause reason attributable to employer, and therefore, is not eligible for unemployment insurance benefits.

Employer is not protesting this claim. Under Iowa law, Iowa Workforce Development must decide whether a person is qualified to receive unemployment insurance benefits. The parties to the claim are unable to make that determination or come to an agreement on that matter. Representatives of Iowa Workforce Development have a duty to ascertain relevant information concerning the claim and to determine whether any disqualification should be imposed. Iowa Code § 96.6(2). Eligibility for benefits is determined on the basis of the facts of the case, not whether the employer has filed a protest. *Kehde v. Iowa Dep't of Job Service*, 318 N.W.2d 202, 205-06 (Iowa 1982). So even though the administrative law judge is very sympathetic to claimant in this situation, she has a statutory duty to render a decision based on the facts uncovered in the course of administering the claim. And those facts, based upon claimant's testimony, require the administrative law judge to disqualify claimant from receiving unemployment insurance benefits.

DECISION:

The February 18, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible, or he offers his services to employer and no work is available.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

March 17, 2020
Decision Dated and Mailed

cal/scn

NOTE TO CLAIMANT: You may find additional information about food, housing, and other resources by dialing 211.