

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHERINE M GIER
Claimant

APPEAL NO. 14A-UI-04192-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LIVE A BETTER LIFE INC
Employer

OC: 02/23/14
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 14, 2014, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 12, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a home health aide from May 2011 to November 13, 2013. The claimant worked about 25 to 35 hours per week.

The claimant voluntarily quit employment effective November 13, 2013, to care for her mother who was being treated for cancer. In January 2014, the claimant's sister took over caring for her mother and the claimant was again available to work. The claimant contacted the employer in January 2014 and offered to return to work for the employer but her previous job was not available. The claimant was only offered on-call work filling in for absent employees. She did not have any restrictions on the hours she was willing to work.

The claimant only worked one six-hour shift on January 14, 2014, for a sick employee. She regularly contacted the employer afterward and asked for more hours, but no additional work was available.

Because of the lack of work, the claimant filed a new claim for benefits effective February 23, 2014. In April 2014, she moved to Omaha to find a job since the employer had no work for her.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5(1)c 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:

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.

The claimant satisfied the conditions of eligibility found in Iowa Code § 96.5(1)c. She left employment for the purpose of taking care of an immediate family member who was ill, and after she no longer needed to care for her mother, she offered to return to work. No job comparable to her previous job was available. The claimant was qualified for benefits when she applied for unemployment insurance benefits on February 23, 2014. No voluntarily quit disqualification was warranted under the facts of this case.

DECISION:

The unemployment insurance decision dated April 14, 2014, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits based on the reasons for her separation from employment, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css