

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHERYL A ROBERTS**

Claimant

**APPEAL NO. 08A-UI-07416-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY MEDICAL CENTER**

Employer

**OC: 06/08/08 R: 03  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant, Cheryl Roberts, filed an appeal from a decision dated August 8, 2008, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on September 3, 2008. The claimant participated on her own behalf. The employer, Mercy Medical Center, participated by Director Human Resources Jerry Truemper.

**ISSUE:**

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

**FINDINGS OF FACT:**

Cheryl Roberts was employed by Mercy Medical Center from December 9, 2004 until December 15, 2007 as a full-time housekeeper. She gave a written resignation and two-week notice to Supervisor Leanne Burke indicating she was going to go to work with her husband. Ms. Roberts' spouse owns Hawkeye Dental Studio and she did not begin working there until April 2008.

The records of Iowa Workforce Development do not show any wages earned from this employer by the claimant although she maintained she earned approximately \$6,000.00 in wages during April and May 2008. There is also no record of any employer account by the name of Hawkeye Dental Studio.

**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.

The claimant quit in order to go to work with her spouse at the company he owned, but did not begin work for over three months. Although she maintained she was an employee she did not provide proof of any wages earned from Hawkeye Dental Studio and no wages have been reported to Iowa Workforce Development for the second quarter 2008. In addition, Iowa Code chapter 96.19(18)g(5) provides employment does not include working for a person's spouse. As there is no proof of employment or sufficient earnings from insured employment to requalify, the claimant is disqualified for benefits.

**DECISION:**

The representative's decision of August 8, 2008, reference 01, is affirmed. Cheryl Roberts is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs