

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**GRACITA E SANDS**  
Claimant

**WELLS ENTERPRISES INC**  
Employer

**APPEAL 19A-UI-04942-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/19/19  
Claimant: Appellant (1)**

---

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Gracita Sands (claimant) appealed a representative's July 11, 2019, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Wells Enterprises (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 15, 2019. The claimant participated personally with the aid of a Tagalog interpreter from Language Link. The employer was represented by Jackie Boudreaux, Hearings Representative, and participated by Stacey Roupe, Human Resources Service Center Representative.

**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 June 9, 2008, as a full-time category B helper. The claimant's husband was involved in an accident which caused him physical harm and caused the claimant stress. She took Family Medical Leave (FMLA) from October 25, 2018 to January 16, 2019. After her FMLA, she returned to work.

From April 20 to May 7, 2019, the claimant took paid vacation and went to the Philippines to seek medical treatment. When she returned, her husband was in a treatment facility in Omaha, Nebraska, and her residence in Le Mars, Iowa had been sold. She remained in Omaha, Nebraska for approximately one week.

She returned to Le Mars, Iowa, and stayed with a former co-worker until the former co-worker went to the Philippines. The claimant did not contact the employer. In May 2019, the co-worker went to the Philippines and the claimant moved to Arizona to live with her child. The claimant filed for unemployment insurance benefits with an effective date of May 19, 2019.

**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) 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 Admin. Code r. 871-24.25(20) 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her actions. She was absent from work for personal reasons for more than ten working days. When an employee is absent from work for more than ten working days for compelling personal reasons, her leaving is without good cause attributable to the employer. The claimant left work for more than ten working days for compelling personal reasons. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's June 11, 2019, 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