

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARRIE L WILLIAMS
Claimant

APPEAL NO. 16A-UI-10718-S1-T

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

AVOCA HOTEL GROUP LLC
Employer

**OC: 09/11/16
Claimant: Respondent (1/R)**

Section 96.5-1-c - Voluntary Quit for Care of Family Member
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Avoca Hotel Group (employer) appealed a representative's September 30, 2016, decision (reference 01) that concluded Carrie Williams (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 17, 2016. The claimant participated personally. The employer participated by Kenny Fowler, Owner. The employer offered and Exhibit 1 was received into evidence.

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 March 4, 2014, as a full-time general manager. The claimant's mother suffered an emergency medical condition on or about September 12, 2016. The claimant notified the employer of the situation and she would be taking time off to care for her mother. The employer understood. The claimant was also unable to work due to her Crone's disease. Later, the claimant attempted to notify the employer that her mother was sufficiently recovered on September 20, 23, 26, and 27, 2016. She was unable to reach the employer because it did not answer her calls.

The claimant filed for unemployment insurance benefits with an effective date of September 11, 2016. The employer participated personally at the fact finding interview on September 29, 2016, by Jolynn Rattenborg.

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 § 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 left work to take care of her mother who was ill. The claimant's mother has sufficiently recovered and the claimant has returned to and offered her services to the employer. The claimant has met the requirements of the statute and, therefore, is eligible to receive unemployment insurance benefits.

The issue of whether the claimant is able and available for work while she cared for her mother and due to her medical condition is remanded for determination.

DECISION:

The representative's September 30, 2016, decision (reference 01) is affirmed. The employer has not met its burden of proof to establish job related misconduct. Benefits are allowed, provided claimant is otherwise eligible. The issue of whether the claimant is able and available for work is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs