

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNANN K BLACKMAN
Claimant

APPEAL NO. 07A-UI-04330-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP INC
Employer

OC: 04/01/07 R: 02
Claimant: Respondent (1-R)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Dolgencorp, filed an appeal from a decision dated April 18, 2007, reference 01. The decision allowed benefits to the claimant, Lynann Blackman. After due notice was issued, a hearing was held by telephone conference call on May 14, 2007. The claimant participated on her own behalf. The employer participated by Manager Richard Robertson.

ISSUE:

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

FINDINGS OF FACT:

Lynann Blackman was employed by Dolgencorp from September 1, 2004 until October 28, 2006, as a part-time clerk. In the fall of 2006 she began to have trouble with her daughter's mental health. Between September 1 and October 28, 2006, she estimated she missed all or part of at least one scheduled shift per week.

On October 28, 2006, Manager Richard Robertson met with the claimant to discuss her schedule. He asked if she could work her scheduled hours and she said she did not think so because the problems with her daughter required a lot of her time and she could not predict in advance when these times might occur. Mr. Robertson told her he could not continue to schedule her if she could not work the hours and advised her to return when she had dealt with these personal problems and could commit to working her scheduled hours.

The claimant apparently had medical problems of her own as a result of the stress from dealing with her daughter's problems. She did not file her claim for unemployment benefits until April 1, 2007, and did not contact the employer about returning to work. In addition, she did not appear wholly certain she would be able to commit to a regular schedule even at the time of the hearing.

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 did not quit on October 28, 2006, but was essential placed on an involuntary leave of absence so she could deal with her personal family problems. This is not a disqualifying event and disqualification may not be imposed as a result of that situation.

However, the record is unclear whether the claimant is actually able and available for work given the problems with her own health and that of her daughter. In addition, she did not return to the employer after the leave of absence could have ended. That matter should be remanded.

DECISION:

The representative's decision of April 18, 2007, reference 01, is affirmed. Lynann Blackman is eligible for benefits as a result of separation from employment on October 28, 2006, provided she is otherwise qualified.

The issue of whether the claimant is able and available for work, and whether she is disqualified as a result of failing to return to her employer at the end of her enforced leave of absence to offer her services is remanded to the Claims Section for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw