

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PEDRO S SANCHEZ
Claimant

APPEAL 17A-UI-03017-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRAND ENERGY SOLUTIONS LLC
Employer

**OC: 02/19/17
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

The employer filed an appeal from the March 8, 2017, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on April 11, 2017. Claimant participated personally and through interpreter 1057 with CTS Language Link. Employer participated through project manager Matthew Finch.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?
Can charges to the employer's account be waived?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on March 21, 2016. Claimant last worked as a full-time insulator class A. Claimant was separated from employment on September 26, 2016, when he resigned.

Claimant resigned because his wife was ill with an infection. Claimant's wife was hospitalized on September 20, 2016. She was not released until sometime in November 2016. After claimant's wife was released from the hospital, she required continued care at home. By February 20, 2017, claimant's wife no longer required claimant's care. Claimant contacted his former supervisor, Pablo Flores, and offered to return to work. However, Flores did not have work available for claimant. Claimant did not work between September 26, 2016, and February 20, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code §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.

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.

In this case, claimant left employment for necessary and sole purpose of caring for his wife. Claimant did not accept other employment. When claimant's wife sufficiently recovered, the individual offered his services to employer but was told no work was available.

Claimant is qualified to receive unemployment benefits under the law. Therefore, the issues regarding overpayment of benefits are moot and will not be discussed further in this decision.

DECISION:

The March 8, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

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