

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LINDA L HANSON**  
Claimant

**SEQUEL YOUTH SERVICES OF FOREST  
RIDGE**  
Employer

**APPEAL 21A-UI-11920-AR-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/05/20**  
**Claimant: Appellant (4R)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

On April 29, 2021, claimant, Linda L. Hanson, filed an appeal from the April 26, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit her employment with the employer, Sequel Youth Services of Forest Ridge, as of January 10, 2021, without showing good cause for having done so. The parties were properly notified about the hearing held by telephone on July 22, 2021. The claimant participated personally. The employer did not participate. The administrative law judge took official notice of the administrative record

**ISSUES:**

Did the claimant quit employment without good cause attributable to the employer?  
Was the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a youth counselor beginning on February 10, 2020, and was separated from employment on April 7, 2021, when she resigned.

In late December 2020, claimant was informed that she was being taken off the “regular schedule.” She was asked to do medical transports beginning in January 2021. Claimant agreed to try this arrangement. She was last offered work by the employer that she could take on January 11, 2021.

In the months that followed, claimant was not offered much work. On one occasion, in March 2021, the employer offered claimant a short shift of work. However, claimant had fallen asleep early that day and missed the message until it was too late to accept or reject the offered work. Finally, after not receiving any work for a number of months, and foreseeing a time during which she would not be able to work due to her caregiving duties for her husband, claimant elected to resign her employment with the employer. She submitted her resignation on April 7, 2021. Claimant testified to the existence of text messages through late March 2021 that indicated that

she was in contact with the employer and open to accepting work between January 2021 and her separation in April 2021.

Because there was little work offered to claimant beginning in January 2021, claimant opened her claim for unemployment benefits the week ending January 16, 2021. She filed her last claim the week ending March 27, 2021, after which time claimant acknowledged that she was no longer able to and available for work due to her husband's care needs. On her final claim, she indicated she was not able to and available for work. This was because her husband had surgery the week ending March 27, 2021.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without 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 Admin. Code r. 871—24.25 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:

...

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

Claimant had not been offered much work in the months between her last date on which work was performed in January 2021 and her resignation in April 2021. However, testimony indicated that her primary reason for her resignation on April 7, 2021, was her spouse's care needs. Accordingly, her resignation was voluntary, and without good cause attributable to the employer. However, the separation did not occur until April 7, 2021.

The second question at issue was whether claimant was able to and available for work. For the reasons that follow, the administrative law judge concludes claimant was able to and available for work from January 10, 2021, through the week of March 14, 2021. Thereafter, she was not able to and available for work.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871—24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Claimant testified that she was able to and available for work during the period from January 10, 2021, through the week of March 14, 2021. During this period, she did not have caregiving duties that substantially limited her availability, nor did she have other considerations that kept her from working. However, beginning the week of March 21, 2021, she was unavailable for work due to caregiving duties. She did not make a continuing unemployment insurance claim after the week of March 21, 2021.

#### **DECISION:**

The April 26, 2021, (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant voluntarily left the employment without good cause attributable to the employer, but not until April 7, 2021. The claimant is able to work and available for work the week of January 10, 2021, through the week of March 14, 2021.

**REMAND:**

The issue of total, partial, or temporary unemployment during the period from the week of January 10, 2021, through the week of April 4, 2021, is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



---

Alexis D. Rowe  
Administrative Law Judge

July 29, 2021  
Decision Dated and Mailed

ar/ol