

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANH M HA
Claimant

APPEAL NO. 14A-UI-05969-N

**ADMINISTRATIVE LAW JUDGE
DECISION**

COUNCIL BLUFFS PAYROLL COMPANY
Employer

OC: 05/18/14
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated June 6, 2014 (reference 01) which denied unemployment insurance benefits, finding that the claimant voluntary quit work on May 6, 2014 for personal reasons that were not attributable to the employer. After due notice was provided, a hearing was held in Council Bluffs, Iowa on July 31, 2014. Claimant participated. Participating as an interpreter for the claimant was Mr. Kevin Pham. The employer participated by Ms. Jessica Dobbe, Human Resource Generalist, and Ms. Sarah Bradley, Human Resource Generalist.

ISSUE:

At issue is whether the claimant quit employment with good cause that was attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Anh Ha was employed by the captioned company dba Conagra Foods from August 19, 1996 until May 6, 2014 when he voluntarily left employment to assist in the childcare of a new baby.

The claimant had exhausted all time available to him under the Family Medical Leave Act and had requested an additional three to five months off work, in addition to the time he had already taken. The employer was unable to grant Mr. Ha his request because his job position needed to be filled and the claimant had already been given a substantial period of time away from work.

Mr. Ha concluded that his services were needed at home for childcare. The claimant's spouse has other self-employment and Mr. Ha chose to quit his employment with Conagra so that his wife could continue her self-employment.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the claimant left his employment with good cause that was attributable to the employer. It does not.

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(17) 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 § 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 § 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:

(17) The claimant left because of lack of child care.

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 he or she has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of personal responsibilities, such as providing child care, is not good cause. 871 IAC 24.25(17). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2.

In this case, the employer had good reason not to grant the claimant additional time away from work. The claimant had already exhausted all time available to him under the Family Medical Leave Act and the employer needed the claimant to fill his job position. The claimant was aware of the hours that he was expected to work and was aware of mandatory overtime that might be required. The claimant chose to leave his employment with Conagra so that he could provide childcare, choosing to let his spouse continue her self-employment. While these may have been good cause reasons to leave employment from the claimant's personal viewpoint, they were not good reasons that were attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The representative's decision dated June 6, 2014 (reference 01) is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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