

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LIZA A DUQUILLA
Claimant

APPEAL NO. 08A-UI-07948-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**TAPESTRY SENIOR LIVING OF MARION
LLC**
Employer

**OC: 06/22/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 27, 2008, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 24, 2008. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Cindy Cason participated in the hearing on behalf of the employer with a witness, Diane Niemeier.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked as a certified nursing aide from April 18, 2005, to June 17, 2008. Her home was flooded on June 12, 2008, and as a result, the claimant was not able to work. On June 17, 2008, the claimant contacted the employer and said she was quitting her job.

The employer had continuing work available for the claimant and was willing to allow her time off to deal with the flooding problems if she had asked.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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 quit her employment due to problems with the flooding in her home. Her quitting was not caused by the employer. The employer would have allowed her time off to get the flooding situation resolved, but the claimant quit instead.

The claimant may be eligible for disaster unemployment assistance (DUA), but that program requires a separate application and determination of eligibility. She should contact her local Workforce Development Center if she believes she is eligible for DUA.

DECISION:

The unemployment insurance decision dated August 27, 2008, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs