IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

LAURA A JASSE
Claimant

FEDEX GROUND PACKAGE SYSTEM INC
Employer

APPEAL NO. 11A-UI-02189-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/02/11
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 February 21, 2011, reference 03, which denied benefits upon a finding the claimant voluntarily quit work on October 31, 2010, because of child care problems. After due notice was issued, a telephone hearing was held on March 21, 2011. The claimant participated personally. The employer participated by Mr. Kelly Klyema, senior manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Laura Jasse was employed by FedEx Ground Package Systems, Inc. as a part-time package handler for approximately two to three years before voluntarily quitting her position on October 31, 2010. Ms. Jasse quit her employment after providing notice to the employer of her intention to leave due to child care issues. Work continued to be available to the claimant at the time of her leaving.

While Ms. Jasse was employed by FedEx Ground Package Systems, Inc., she also had full-time employment with Wells Fargo Bank. Approximately two months after leaving her part-time position with FedEx Ground Package Systems, Inc., Ms. Jasse was separated from her full-time employment with Wells Fargo Bank.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

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. See 871 IAC 24.25. The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. See Iowa Code section 96.62. Leaving because of family responsibilities or family needs is not good cause attributable to the employer. See 871 IAC 24.25(23).

Inasmuch as the evidence in the record establishes that Ms. Jasse's primary reason for leaving her employment with FedEx Ground Package Systems, Inc. was because of family needs, the claimant's leaving was without good cause attributable to the employer and benefits payable to the claimant based upon this employment are withheld. The employer is not subject to charging for benefits paid on wage credits earned while the claimant was employed with this employer.

871 IAC 24.27 provides that an individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not requalified for benefits by earning ten times his or her weekly benefit amount in wages for insured work, but who nonetheless has sufficient other wage credits to be eligible for benefits, may receive reduced benefits based upon the other base period wages.

DECISION:

The representative's decision dated February 21, 2011, reference 03, is affirmed. The claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits attributable to employment with FedEx Ground Package Systems, Inc. are withheld until the claimant has requalified for benefits. The claimant may be entitled to unemployment insurance benefits based upon other base period employment if there are sufficient other wages credits on other base period employment, depending on the factors of the separation from that employment.

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Terence P. Nice
Administrative Law Judge

_____
Decision Dated and Mailed

kjw/kjw