

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN J STAGGS

Claimant

APPEAL NO. 12A-UI-12521-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BUILDING PRODUCTS INC OF IOWA

Employer

OC: 09/16/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

Section 96.5-1-c – Voluntary Quit for Care of Family Member

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

John Staggs (claimant) appealed a representative's October 15, 2012 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Building Products Inc. of Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 15, 2012. The claimant participated personally. The employer participated by Deborah Hammargren, Human Resources Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 30, 2012, as a full-time door assembler. The claimant's father had heart surgery on September 11, 2012. The claimant did not appear for work or notify the employer of his absence after September 12, 2012. The claimant moved to Davenport, Iowa, to care for his father. The claimant's father continues to require care. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 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.

The claimant left work to take care of his father who is ill. The claimant's father has not sufficiently recovered and the claimant has not returned to and offered his services to the employer. The claimant has failed to meet the requirements of the statute and, therefore, is not eligible to receive unemployment insurance benefits.

The next issue is whether the claimant was able and available for work. For the following reasons the administrative law judge concludes he was not.

871 IAC 24.23(10) provides:

(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

The claimant took time away from work to care for his father. He is considered to be unavailable for work after September 12, 2012. The claimant is disqualified from receiving unemployment insurance benefits for that period due to his unavailability for work.

DECISION:

The representative's October 15, 2012 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible. The claimant is disqualified from receiving unemployment insurance benefits after September 12, 2012, due to his unavailability for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css