

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARRIE A CARRE**  
Claimant

**APPEAL NO: 14A-UI-05098-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TPI IOWA LLC**  
Employer

**OC: 04/20/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's May 9, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the June 4 hearing with her attorney, Tyler Patrick. Tahler Johnson, a human resource generalist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in October 2008. She worked as a full-time laborer. The claimant's last day of work was January 16, 2014. The claimant requested and was granted FMLA from January 27 through April 20, 2014. The claimant requested FMLA because of her husband's serious health issues. Unfortunately, his health issues were not resolved when the claimant's FMLA ended on or about April 20, 2014.

The claimant talked to Danielle Williams before she exhausted her FMLA. Williams told the claimant she could either resign and when she was able to come back to work, the employer would put her back to work immediately, or the claimant could continue her employment and if she continued to be absent the employer would have to discharge her for excessive absenteeism. Williams asked the claimant to make her decision by April 23. On April 20, the claimant informed the employer she was resigning.

When the claimant resigned on April 20, she was caring for her husband 24 hours a day. At the time of the hearing, the claimant was willing to look for part-time employment because her children were home from school and could help care for their father.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(1), (2)a. Both the claimant and employer are in a no-win situation in this case. Since the claimant was a long-term employee, she received FMLA to care for her husband. Unfortunately, the claimant's husband's health did not improve to the point that she could return to work and work 12-hour shifts. When her FMLA ended, the claimant had the choice of resigning and coming back to work when her husband did not require constant care or she could continue working until she was discharged for excessive absenteeism. If the claimant had continued working, the employer could have discharged her for accumulating too many attendance points within a week or two. The claimant made the difficult decision to resign so she could return to work when her husband's health issues were resolved.

The facts establish the claimant voluntarily quit her employment. When a claimant resigns, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant established compelling personal reasons for resigning – to take care of her husband's medical needs. These reasons, while compelling and understandable, do not qualify her to receive benefits. As of April 20, 2014, the claimant is not qualified to receive benefits.

(Note: Even if the claimant had quit for qualifying reasons, the claimant is required to be available for full-time – not part-time employment since her wages credits are from full-time employment.)

**DECISION:**

The representative's May 9, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for compelling personal reasons, but these reasons do not qualify her to receive benefits. As of April 20, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs