

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAYNELLE HONEYCUTTWHEELS
Claimant

APPEAL NO. 09A-UI-19038-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MOSAIC
Employer

**OC: 11/15/09
Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated December 15, 2009, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 1, 2010. Claimant participated. Employer participated by Josh Burrows, Hearing Representative TALX with witness Nancy Seel, Human Resource Manager.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 29, 2009. Claimant quit because she needed to care for an ill family member. Claimant did not return to ask for her job back. Claimant went to work for the Census Bureau after leaving Mosaic and earned ten times her weekly benefit amount in wages before applying for unemployment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of family illness. Since claimant did not return to ask for her job back she left without good cause. However claimant has re-qualified by earning ten times her weekly benefit amount. Benefits allowed.

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.

DECISION:

The decision of the representative dated December 15, 2009, reference 02, is modified. Unemployment insurance benefits shall be allowed as claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount. Employer's account shall not be charged.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css